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MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA JR., CALEPA BUILDING  
BYRON SHER AUDITORIUM  
1001 I STREET, 2ND FLOOR  
SACRAMENTO, CALIFORNIA

TUESDAY, FEBRUARY 13, 2007

9:45 A.M.

JAMES F. PETERS, CSR, RPR  
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chairperson

Mr. Wesley Chesbro

Mr. Jeffrey Danzinger

Ms. Rosalie Mul

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Elliot Block, Chief Counsel

Mr. Robert Conheim, Staff Counsel

Mr. Bonnie Cornwall, Supervisor, Grants & Certification  
Section I

Mr. Tom Estes, Deputy Director

Mr. Spencer Fine

Ms. Mindy Fox, Assistant Director

Ms. Sonia Frazier, Executive Assistant

Ms. Kristen Garner, Executive Assistant

Ms. Elizabeth Huber, Legislative Director

Mr. Jim Lee, Deputy Director

Mr. Howard Levenson, Deputy Director

Mr. Selma Lindrud, Executive Assistant

Mr. Jon Myers, Assistant Director

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APPEARANCES CONTINUED

STAFF

Mr. Trevor O'Shaughnessy, Supervisor, State Agency  
Assistance Section

Ms. Rubia Packard, Assistant Director

Mr. John Smith, Manager, Recycling Business Assistance  
Branch

Ms. Lorraine Van Kekerix, Acting Deputy Director

Mr. Michael Wochnick, Supervisor, Closure & Technical  
Services Section

ALSO PRESENT

Mr. Peter Anderson, Center for Competitive Waste Industry

Mr. John Cupps, San Luis Obispo Integrated Waste  
Management Authority

Mr. Evan Edgar, California Refuse Removal Council

Mr. David Edwards, Sunshine Canyon Landfill

Mr. Frank Ferral, Greater Stockton Chamber of Commerce

Mr. Wayde Hunter, Sunshine Canyon Landfill Citizens  
Advisory Committee

Dr. Edward Kavazanjian

Mr. Ralph Kroy, Sunshine Canyon Landfill Citizens Advisory  
Committee

Mr. Gary Liss, Gary Liss & Associates

Mr. Bill Magavern, Sierra Club

Mr. Joe Mello, California State Water Resources Control  
Board

Ms. Elisa Moberly, San Joaquin County Public Works

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. Mike Mohajer

Mr. Jeff Scott, United States Environmental Protection  
Agency, Region 9

Mr. Chuck Tobin, Burrtec Waste Industries

Mr. Chuck White, Waste Management

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1 PROCEEDINGS

2 CHAIRPERSON BROWN: Good morning. We're going to  
3 go ahead and start. We are expecting Member Danzinger  
4 will be joining us shortly. And member Petersen will not  
5 be here today. He is ill.

6 So we will proceed with calling this meeting to  
7 order.

8 Kristen, can you call the roll.

9 EXECUTIVE ASSISTANT GARNER: Chesbro?

10 BOARD MEMBER CHESBRO: Present.

11 EXECUTIVE ASSISTANT GARNER: Danzinger?  
12 Mulé?

13 BOARD MEMBER MULÉ: Here.

14 EXECUTIVE ASSISTANT GARNER: Petersen?  
15 Brown?

16 CHAIRPERSON BROWN: Here.

17 Good morning. Thank you for joining us. We have  
18 a couple of things to do early this morning.

19 I need to remind you that if you're going to  
20 speak -- if you could please turn your phone into vibrate  
21 mode. Speakers slips are located on the back table. If  
22 you would like to speak at any point in the agenda, I  
23 would ask that you please fill out a speaker slip and  
24 bring it to Kristen prior to the agenda item that you  
25 intend to speak on. That would be much appreciated so



1 that we can plan our time.

2 And now I'd like to invite everybody to please  
3 stand for the Pledge of Allegiance.

4 (Thereupon the Pledge of Allegiance was  
5 Recited in unison.)

6 CHAIRPERSON BROWN: Thank you.

7 Does anybody have any ex partes to report at this  
8 time?

9 BOARD MEMBER MULÉ: Up to date, Madam Chair.

10 BOARD MEMBER CHESBRO: Madam Chair, I had a  
11 meeting yesterday with representatives of the Humboldt  
12 Waste Management Authority, the Executive Director, Jim  
13 Test, one of the board members, John Woolley. We  
14 discussed the status of the landfill in Humboldt County.

15 CHAIRPERSON BROWN: Thank you.

16 And I am up to date.

17 We have a couple of special presentations this  
18 morning. And so I'd like to turn it over to our Executive  
19 Director, Mark Leary, for those.

20 EXECUTIVE DIRECTOR LEARY: Thank you, Madam  
21 Chair. Good Morning. Good Morning, members.

22 First of all, I'd like to introduce Jeff Scott,  
23 my counterpart over at U.S. EPA Region 9. Jeff heads up  
24 the Solid Waste and Hazardous Waste Management Division.  
25 And Jeff has a little presentation he wants to make to

1 you, Madam Chair and Board members.

2 MR. SCOTT: Good morning, everyone.

3 CHAIRPERSON BROWN: Good morning.

4 MR. SCOTT: I'm Jeff Scott. I'm very pleased to  
5 have come down I-80 all the way from San Francisco to be  
6 with you this morning. It was a nice change of pace from  
7 the traffic going into the city.

8 And I'm here today to recognize your leadership  
9 at the Integrated Waste Management Board for achieving the  
10 50 percent diversion rate in California. I think that --  
11 you know, I'm very proud to represent EPA in giving this  
12 award. When we learned that California was going to get  
13 this done, we wanted very much to make sure that this  
14 great achievement was recognized and recognized  
15 nationally.

16 And so originally there was a presentation of  
17 this award made out of recycled glass, appropriately, in  
18 Washington DC. But since Margo was the only person that  
19 was there, we thought it would be appropriate to come back  
20 and recognize you all here and for the folks here that do  
21 all this fine work.

22 It truly is, you know, for me an honor to provide  
23 this award to you, both as a representative of EPA  
24 nationally, but also as a Californian, frankly. You know,  
25 California has been leading the way here. I'm hoping to

1 take what we've done here in this state and continue to  
2 spread it across other parts of the country. There's are  
3 some amazing things that have been done here on everything  
4 from market development to source reduction and so forth.  
5 And we very much want to see recycling spread across the  
6 land like it has here.

7 I can't help but say that, you know, the amount  
8 of energy that has gone into this has been tremendous.  
9 I've been around since it began basically and watched  
10 from, you know, the federal building in San Francisco.  
11 And I just have to say it's a tremendous accomplishment.  
12 And we are looking forward to working with all of you  
13 towards your goal of zero waste.

14 And I hope to be back at 60 percent, 70 percent,  
15 and so forth. Eventually there'll be a point where I hope  
16 I'm not back because I'm doing something else. But I'm  
17 looking forward to coming back for the next levels of  
18 percentages. I think we have a daunting task still ahead  
19 of us. Some of the easy things have already been done.  
20 It's going to get harder and harder to get those next  
21 increments. But I do feel like there has been quite a  
22 change in this country and interest in everything from  
23 global warming to, you know, our impact on the  
24 environment. And clearly recycling and diversion means  
25 reducing global greenhouse gas and the impacts of global

1 warming. And we'll have to work very hard together to  
2 make sure everyone really understands that and what they  
3 do makes a difference.

4 But I look forward to working with you all on  
5 this. Thanks to Mark and all the folks that we've been  
6 working with all these years, we have a wonderful  
7 relationship together. And congratulations from us at  
8 EPA.

9 CHAIRPERSON BROWN: Jeff, thank you very much.

10 (Applause.)

11 CHAIRPERSON BROWN: We'll join you over here.

12 I just wanted to say, on behalf of the Board,  
13 thank you for the recognition. The event in October was  
14 there are Waste Wise Award to recognize businesses who are  
15 doing waste reduction. And we're doing a similar thing  
16 today with our WRAP award. So, anyway, thank you very  
17 much. As you mentioned, we're half way there. We have  
18 another 50 percent to go. So the work is not done.

19 Thank you.

20 (Thereupon pictures were taken.)

21 (Applause.)

22 CHAIRPERSON BROWN: We'll put it on display for  
23 everybody to see.

24 And thank you for making the long commute, Jeff.  
25 It's an easier commute, isn't it?

1 (Laughter.)

2 CHAIRPERSON BROWN: And now the next one --  
3 actually I guess I'm going to take over from Mark's  
4 capable hands because this is a very special presentation  
5 for us. Someone who's very special to the Board is  
6 retiring. We have a special recognition and would like to  
7 actually bring -- where did you go? I saw you come in the  
8 door. There you are. Robert Conheim.

9 If you could come up, I will read this resolution  
10 for you. And then we'd like to have the honor of having a  
11 photo with you.

12 STAFF COUNSEL CONHEIM: This is my son, Alex.

13 CHAIRPERSON BROWN: Alex, his son, is joining  
14 him.

15 Bob, why don't you come up.

16 I'll read it from here.

17 "Whereas Robert F. Conheim  
18 dedicated himself to a career of legal  
19 service to the citizens of the great  
20 State of California, spending nearly  
21 one-third of a century; and

22 "Whereas Robert began his career in  
23 1974 as a graduate legal assistant at  
24 the Department of Social Services,  
25 counseled seven different state agencies

1 and rose to Chief Counsel II prior to  
2 his retirement in 2006; and

3 "Whereas Bob's legal acumen guided  
4 the California Integrated Waste  
5 Management Board in its implementation  
6 of Litter Control, Recycling and  
7 Resource Recovery Act, navigating the  
8 hazards of millions of dollars in grant  
9 funding that laid the groundwork for the  
10 state's rise to national leadership in  
11 recycling; and

12 "Whereas his penchant for fiddling  
13 with all things electronic grew from a  
14 fascination with phones to assembling  
15 computers and earned him great respect  
16 among his peers and the nickname Techno  
17 Bob and led him to serve the state in  
18 preparation for much feared onslaught of  
19 Y2K bug; and

20 "Whereas in the true spirit of the  
21 Integrated Waste Management Act, Bob  
22 recycled himself to returning to the  
23 Integrated Waste Management Board where  
24 he secured the support, respect, and  
25 admiration of a diverse group of

1 stakeholders as he led Board staff in  
2 the development of implementing  
3 regulations for the Electronic Waste  
4 Recycling Act, earning him the nickname  
5 E-Bob; and

6 "Whereas E-Bob inspired and gave  
7 confidence to staff as the Board  
8 embarked on the implementation of this  
9 first-in-the-nation electronic waste  
10 recycling program and became  
11 California's E-waste ambassador to  
12 nations; and

13 "Whereas Bob has mentored,  
14 counseled, and befriended many over the  
15 course of his career who are blessed to  
16 know him;

17 "Now Therefore Be It Resolved that  
18 the California Integrated Waste  
19 Management Board bestows upon Robert F.  
20 Conheim the well deserved nickname  
21 C-Bob, C for citizen, upon the advent of  
22 his retirement; and

23 "Be It Further Resolved that the  
24 Board, its entire staff and the citizens  
25 of California thank C-Bob for his many

1 years of dedicated service and wish him

2 many happy years of retirement."

3 (Applause.)

4 (Standing applause.)

5 (Thereupon pictures were taken.)

6 CHAIRPERSON BROWN: Can we have one with Alex

7 too? Where's Alex?

8 Come on up.

9 BOARD MEMBER CHESBRO: Madam Chair, while you're  
10 coming back, do you mind if I make a few comments about  
11 Bob?

12 CHAIRPERSON BROWN: Please.

13 BOARD MEMBER CHESBRO: Well, it's ancient history  
14 now. But there was a time when there was a very, very  
15 challenging -- that's the adjective I'll use -- very  
16 challenging time period of transition from the old law and  
17 the old Board and the preexisting staff to a whole new  
18 world, and Bob was central to that process of  
19 transitioning and helping us figure out how to take the  
20 first baby steps that got us to the 50 percent that was  
21 just recognized. And he was there throughout the process,  
22 but I think those critical early stages were very, very  
23 difficult. It's hard to remember now, because  
24 everything -- the transition was a long time ago and  
25 everything is moving forward in all kinds of new and



1 exciting and positive ways. But it wasn't always that  
2 way, and Bob helped us with that transition.

3 A couple other things. One is I recall -- I  
4 don't remember where we were going, Bob, but we went  
5 somewhere up in the north Sierra foothills to visit some  
6 facility, you and I. And we drove -- we must have spent  
7 eight hours in that damn car together. But we talked and  
8 we got to know each other better -- you know, so much  
9 better than we ever had in the working situation, which is  
10 what happens with the radio reception gets funky and  
11 you're way out in the hills.

12 And then finally I want to -- I'm sure everybody  
13 here knows this and they saw it. But unrelated directly  
14 to the Board's work, the Sacramento Bee recognized Bob for  
15 his activism and advocacy on behalf of the rail commuters  
16 of the Sacramento region, which was another sidelight that  
17 we didn't think of a nickname for to put in the  
18 resolution, but a very, very important one. And for those  
19 who do ride public transit, those who should be riding  
20 public transit, they owe a debt of gratitude to Bob for  
21 his many years -- many decades of advocacy with regards to  
22 public transportation and the needs of those who use it.

23 So, Bob, it's been great working with you and  
24 thank you for all your many years of public service.

25 (Applause.)

1           CHAIRPERSON BROWN: Thank you.

2           Actually I need to mention the other association  
3 that I know Bob from, which is our joint tenure on the  
4 Prevent Child Abuse California Board of Directors. And  
5 it's been a pleasure serving with you on that, and I hope  
6 we'll still do that. Bob came to that after his many,  
7 many years of service to lift the children to help  
8 children in Romania, and continues his work with Prevent  
9 Child Abuse California.

10          So I think you want to say something.

11          STAFF COUNSEL CONHEIM: I promise that I will  
12 be -- sure, sure. Nobody believes that I'll be brief, but  
13 I will be.

14          (Laughter.)

15          STAFF COUNSEL CONHEIM: Madam Chair and Honorable  
16 Board Members, all I want to say is a heartfelt thanks for  
17 giving me the opportunity to support what I consider to be  
18 the very best board that this agency has known. And that  
19 doesn't take away from the earlier boards which I served.  
20 But the challenges are so great today. And what I leave  
21 feeling really good about is that you are not only  
22 regulating and supporting and making policy and making  
23 great strides in waste management issues, but you've also  
24 become a policy and action leader for the Governor's  
25 initiative on climate change and general environmental

1 protection.

2           What I loved about the Board and been able to  
3 work with the Board, and I'm so grateful to have had a  
4 small leadership role in supporting, the most well trained  
5 and committed staff supporting you. And it has been an  
6 honor to be part of that.

7           I'm glad to be retired, but I miss all of you  
8 terribly. And when I get up in the morning and think  
9 about what I'm going to do today, there's a pause for a  
10 moment because I don't have to do anything.

11           (Laughter.)

12           STAFF COUNSEL CONHEIM: But I want to thank you  
13 for giving me the honor to serve you and to support you in  
14 the terrific work that you do -- that we do. And I will  
15 always be part of the "we" in my heart.

16           Thank you.

17           (Applause.)

18           CHAIRPERSON BROWN: Thank you, Bob.

19           Thank you.

20           Okay. Mark, you get to follow that.

21           EXECUTIVE DIRECTOR LEARY: Thanks, but no thanks,  
22 Madam Chair. I do have a couple of things to touch on.  
23 But as Bob walks up the isle, I think of the staff of our  
24 organization are the kind of the heart and the soul of our  
25 organization, and Bob Conheim has certainly been one of

1 them. And bless you, Bob, bless for all you've done for  
2 us. And as one of your mentors, I take great pride in  
3 recognizing that you've helped me quite a bit in my 10  
4 years, 15 years in solid waste. Thanks for everything  
5 you've done for us.

6           Anyway, Madam Chair, a couple of things to --  
7 touching on kind of world leadership, I'd like to -- or  
8 national leadership, I'd like to touch on a couple of  
9 folks in our organization who continue to contribute to  
10 that national leadership. Just Friday -- Thursday of last  
11 week the Senate Committee on the Environment in the State  
12 of New Jersey was taking testimony on the creation of a  
13 new -- or considering creation of a new electronic waste  
14 program. And our own Shirley Willd-Wagner testified  
15 before that committee. And she did that electronically  
16 via webcast and participated before the committee from  
17 good old Room 2540. And it was fun to walk by and see  
18 Shirley standing in front of the camera -- or sitting in  
19 front of the camera offering testimony about what  
20 California's managed to accomplish since January 2005.  
21 And I think her testimony was extremely well received.  
22 And of course, knowing Shirley, it was very professionally  
23 delivered.

24           So she represented us well. I can circulate  
25 copies of her testimony if you like. But she did a

1 beautiful summary of what we've accomplished. And I think  
2 she got their attention and everyone across the nation who  
3 was listening.

4           And second also, but not in any way lesser, the  
5 Director of the Ohio Environmental Protection Agency sent  
6 me a letter about a week and a half ago requesting the  
7 assistance of Todd Thalhamer to deal with a landfill  
8 situation occurring in a small town of Bolivar, Ohio. And  
9 in that situation, they were appearing to have some sort  
10 of below-surface fire or combustion activity that was  
11 causing them great concern. And they recognized Todd, as  
12 so many other people across the country do, as one of the  
13 world leaders in addressing landfill subterranean fires,  
14 subterranean reactions. And so Todd, with my blessing,  
15 assisted the State of Ohio in addressing that and is  
16 offering his professional and technical expertise to the  
17 Director of the Ohio Environmental Protection Agency on  
18 dealing with that landfill.

19           Then on Thursday of last week also the Ocean  
20 Protection Council adopted a fairly aggressive resolution  
21 to address marine debris of plastics. And our own Board  
22 member, Gary Petersen, I think testified before the  
23 Council. And their resolution included a number of things  
24 that related to activities we have ongoing.

25           So what I'd like to do, Madam Chair, with your

1 blessing is bring back an information item or discussion  
2 item maybe as soon as March to discuss the ramifications  
3 of that resolution and how we can partner with the Ocean  
4 Protection Council in addressing the problem of plastic  
5 debris in the oceans.

6           And then lastly, Madam Chair, a quick say "hello"  
7 to our newest administrative assistant for the Board,  
8 Tracey Cottingim, the Board's new administrative  
9 assistant, standing over there right next to Selma.  
10 Tracey comes to the Board from the Department of Justice  
11 where most recently she worked at the executive level in  
12 the Application Development Bureau. She's also worked at  
13 the executive level of DPA. And with her background in  
14 the private sector as a legal secretary, Tracey brings a  
15 great deal of experience and expertise to her new  
16 position. We're pleased to welcome her to the Board.

17           And for those of you on the outside who don't  
18 appreciate the value of the administrative assistant, the  
19 only reason Board meetings happen at all is because the  
20 administrative assistant organizes it. And Tracey's going  
21 to be up to the job and do a great job for us.

22           So welcome, Tracey.

23           And with that, Madam Chair, I conclude my report.

24           CHAIRPERSON BROWN: Thank you, Mark.

25           Welcome, Tracy. We're very happy to have you on

1 board.

2 And I'd like to recognize Member Danzinger has  
3 joined us.

4 We have one item for public comment, and that's  
5 Frank Ferral and Elisa Moberly.

6 Don't fight over the microphone. You've got two  
7 minutes.

8 (Laughter.)

9 MS. MOBERLY: He's going to be a gentleman and  
10 make me go first.

11 Good morning. My name is Elisa Moberly. I work  
12 for San Joaquin County Public Works in the Solid Waste  
13 Division.

14 I'd like to thank the Board for your support of  
15 plastics recycling. Market development issues that focus  
16 on sustainability and product stewardship continue to be  
17 important to San Joaquin county. Because of the major  
18 role agriculture plays in our economy and our environment,  
19 we constantly search for ways to improve recycling  
20 efforts, especially ag plastic. Plastics and RMDZ go hand  
21 and hand.

22 San Joaquin County is home to a new company,  
23 Tiburon International. They manufacture molding from  
24 recycled polystyrene with the assistance of an RMDZ loan.  
25 While they import recycled polystyrene from around the

1 world, they're looking to collect it in their own  
2 backyard.

3 San Joaquin County Public Works recently hosted a  
4 tour and a workshop to discuss collection and  
5 transportation solutions for recycling local polystyrene  
6 at Tiburon. The event was well attended by recycling  
7 coordinators from within San Joaquin County and counties  
8 as far away as Nevada County, and cities such as Woodland  
9 and West Sacramento. We also had representatives and  
10 collectors and recyclers, including Waste Management,  
11 on-sight electronics, and the Tracy MRF, and also  
12 representatives from the Waste Board, Cal EPA and even  
13 from UC Davis.

14 While this meeting provided us with a better  
15 understanding of the challenges facing the collection of  
16 polystyrene, we value the collaboration of jurisdictions  
17 to work on other projects of mutual interest such as ag  
18 film.

19 Thank you again for your continued support. We  
20 value as a resource and appreciate the wonderful help we  
21 receive from your staff.

22 CHAIRPERSON BROWN: Thank you, Elisa.

23 MR. FERRAL: Good morning. My name's Frank  
24 Ferral. I'm the Program Public Policy Director for the  
25 Greater Stockton Chamber of Commerce. I'm also -- I have



1 the privilege of being a zone administrator for the San  
2 Joaquin Country Recycling Market Development Zone.

3 On behalf of the Chamber, I want to thank you  
4 very much for your support this year of our Rexpo III  
5 recycling expo. We expanded this year to include some  
6 seminars, and we also had a clean air and -- energy and  
7 clean air business expo along with it. And, Madam Chair,  
8 I want to thank you for your outstanding remarks to kick  
9 off the reexpo this year. It was well received and they  
10 were words of wisdom, and I appreciate you taking the time  
11 to come down to do that.

12 Also, I'm going to try to get Board Member Mul  
13 down for a manufacturers' meeting here coming up shortly.  
14 You'll be getting a phone call later on today.

15 But I wanted to extend our deep appreciation to  
16 being part -- being a partner of yours down in San Joaquin  
17 County. We pride ourselves on developing public and  
18 private partnerships. It's the only way we're going to  
19 get things done is to partner with the business community.  
20 And you've been so supportive of that, I look forward to  
21 our continued relationship in that respect.

22 We are going to be having a lot of different  
23 workshops coming up. We have our next green zone  
24 workshop. It's where we're proactively engaging the  
25 business community to have them, you know, green their

1 businesses basically, by looking at energy efficiency, air  
2 pollution concerns as well as obviously recycling at their  
3 businesses. So we're engaging the business community.  
4 We're building the synergies necessary to take the lead in  
5 the Central Valley here in San Joaquin County.

6 So on behalf of the Chamber, thank you very much.  
7 And I look forward to our continued relationship.

8 CHAIRPERSON BROWN: Thank you, frank.

9 MR. FERRAL: Thank you.

10 CHAIRPERSON BROWN: Appreciate your comments.

11 It sounds like an advertisement for moving to the  
12 Central Valley. It's a good thing you're with the  
13 Chamber. That was a very wise decision on their part.

14 Okay. Thank you.

15 Now, we will move next to the consent agenda.  
16 The consent agenda is items 1, 2, 3 revised, 4, 5 revised,  
17 8, 9 revised, 10, 11, 12, 19, 21 revised, and 22.

18 Any questions on the consent agenda?

19 Could I have a motion?

20 BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
21 the consent agenda.

22 CHAIRPERSON BROWN: Can I have a second?

23 BOARD MEMBER CHESBRO: Second.

24 CHAIRPERSON BROWN: It's been moved by Member  
25 Mulé, seconded by Member Chesbro.

1           Kristen, can you call the roll.

2           EXECUTIVE ASSISTANT GARNER:   Chesbro?

3           BOARD MEMBER CHESBRO:   Aye.

4           EXECUTIVE ASSISTANT GARNER:   Danzinger?

5           BOARD MEMBER DANZINGER:   Aye.

6           EXECUTIVE ASSISTANT GARNER:   Mulé.

7           BOARD MEMBER MULÉ:   Aye.

8           EXECUTIVE ASSISTANT GARNER:   Brown?

9           CHAIRPERSON BROWN:   Aye.

10           Next we will move to the fiscal consent calendar.

11           We will hear items 13 revised, 15 revised, 16 revised, 20,  
12           23 revised, and 24.

13           Just for informational purposes items 7 revised  
14           and 25 were heard in committee only. And we have 1, 2, 3,  
15           4, 5 -- 5 items that will be heard by the full Board.

16           Next we will move first to the permitting and  
17           compliance fiscal items.

18           Actually you have no fiscal items, do you?

19           You have full board items?

20           BOARD MEMBER MULÉ:   There's just one, Item 13,  
21           Madam Chair.

22           CHAIRPERSON BROWN:   Okay. Would you like to give  
23           a committee report first?

24           BOARD MEMBER MULÉ:   Yes, thank you Madam Chair.

25           In committee we heard six permit items. We heard

1 three biennial review items for eight jurisdictions that  
2 had a good faith effort. We also heard two items where  
3 we're recommending compliance orders for two  
4 jurisdictions. And we also -- we'll be hearing this item,  
5 which is fiscal consent to forward the California Highway  
6 Patrol contract for tire enforcement and surveillance and  
7 training. And then we did also direct staff to go out for  
8 a 15-day comment period for modifying the active disposal  
9 site gas monitoring and control regulations.

10 And that concludes my report. Thank you.

11 CHAIRPERSON BROWN: Thank you.

12 Now, we'll move to Fiscal Consent item No. 13.

13 Jim Lee.

14 DEPUTY DIRECTOR LEE: Thank you Madam Chair.

15 Good morning, Board members. My name is Jim Lee, Deputy  
16 Director for the Special Waste Division.

17 Board item 13 is consideration of scope of work  
18 for agreement with the California Highway Patrol to  
19 conduct enhanced enforcement, security assistance,  
20 education, training, investigative assistance and  
21 surveillance for Waste Tire Compliance Program.

22 The CHP provides numerous services, as outlined  
23 in the scope of work, which are integral to the Board's  
24 Waste Tire Enforcement Program. The item has been revised  
25 as discussed and approved by the Permitting and Compliance

1 Committee to include information on proposed funding by  
2 task. The scope of work has also been revised to reflect  
3 removal of Provision 2(a)(4).

4 Staff requests that the Board approve the scope  
5 of work and the California Highway Patrol as contractor  
6 for the enhanced enforcement, security assistance,  
7 education, training, investigative assistance, and  
8 surveillance for the Waste Tire Compliance Program  
9 Contract in the amount of \$350,000.

10 And staff also requests that the Board approve  
11 Resolution 2007-32.

12 CHAIRPERSON BROWN: Thank you, Jim.

13 Do we have any questions on this item?

14 Okay Can I have a motion?

15 BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
16 resolution 2007-32.

17 BOARD MEMBER CHESBRO: I'll second it.

18 CHAIRPERSON BROWN: It's been moved by member  
19 Mulé and seconded by Member Chesbro.

20 Kristen, can you call the roll.

21 EXECUTIVE ASSISTANT GARNER: Chesbro?

22 BOARD MEMBER CHESBRO: Aye.

23 EXECUTIVE ASSISTANT GARNER: Danzinger?

24 BOARD MEMBER DANZINGER: Aye.

25 EXECUTIVE ASSISTANT GARNER: Mulé.

1 BOARD MEMBER MULÉ: Aye.

2 EXECUTIVE ASSISTANT GARNER: Brown?

3 CHAIRPERSON BROWN: Aye.

4 Thank you.

5 Next item on fiscal consent is Item No. 15, which  
6 was heard before the Strategic Policy Development  
7 Committee.

8 The Committee has two items on fiscal consent  
9 that we will hear shortly and three items that were  
10 referred to the full Board for consideration later in this  
11 meeting. It was a very long meeting.

12 I'll move now to Tom for Item No. 15.

13 So it's Tom Estes to present. So if you would  
14 like to defer, you may.

15 DEPUTY DIRECTOR ESTES: I'll give it a shot.

16 CHAIRPERSON BROWN: Okay.

17 DEPUTY DIRECTOR ESTES: Madam Chair, we heard the  
18 item. We discussed basically allocation proposals that  
19 are a part of the item, allocation proposals D9, D11, 12,  
20 13, 14, 15, and 17.

21 And what I wanted to say is that these are  
22 consistent with -- we believe that are consistent with the  
23 proposed strategic directives that are moving forward for  
24 the -- are going to be heard in Item 14. And they are  
25 critical for the staff to further the Board's work.

1           And with that, we were looking for Board approval  
2 of resolution -- well, the various resolutions 2007-22.

3           CHAIRPERSON BROWN: Thank you. Tom.

4           Do we have any questions?

5           Can I have a motion?

6           BOARD MEMBER MULÉ: Madam Chair, I'll move  
7 Resolution 2007-22 revised.

8           CHAIRPERSON BROWN: May I have a second?

9           BOARD MEMBER DANZINGER: I'll second.

10          CHAIRPERSON BROWN: It's been moved by Member  
11 Mulé and seconded by Member Danzinger.

12          Kristen, can you call the roll.

13          EXECUTIVE ASSISTANT GARNER: Chesbro?

14          BOARD MEMBER CHESBRO: Aye.

15          EXECUTIVE ASSISTANT GARNER: Danzinger?

16          BOARD MEMBER DANZINGER: Aye.

17          EXECUTIVE ASSISTANT GARNER: Mulé?

18          BOARD MEMBER MULÉ: Aye.

19          EXECUTIVE ASSISTANT GARNER: Brown?

20          CHAIRPERSON BROWN: Aye.

21          Item 16.

22          Jim Lee.

23          DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

24          Board Item 16 is consideration of grant awards  
25 and allocation proposals to be funded from the

1 reallocation of Tire Recycling Management Program funds.

2           As discussed and recommended for approval by the  
3 Market Development and Sustainability Committee, the  
4 following items are proposed to the Board for award. A  
5 revised resolution reflecting the following has been made  
6 available to the Board and also to the public at the back  
7 of the room.

8           The specific proposals are as follows:

9           \$60,000 to augment a San Francisco State  
10 University contract to implement and develop a technology  
11 using satellite imagery to locate and monitor waste tire  
12 piles in the state and along the California-Mexico border  
13 region.

14           \$120,000 for a field investigation comparing  
15 performance of rubberized and conventional slurry sleeve  
16 seal applications.

17           \$1,895,060 to fund 31 applicants for awards under  
18 the Tire-Derived Product Grant Program.

19           \$40,000 to fund a portion of the Cal EPA  
20 Environmental Justice Action Plan.

21           \$10,000 for the free cycle website upgrades in  
22 support of CIWMB programs.

23           The Committee and staff also recommend a proposal  
24 for Los Angeles County Department of Public Works to  
25 quantify the service life of RAC pavements in southern



1 California by performing pavement deflection testing.

2 I want to bring to the Board's attention that we  
3 understand that this money won't be expended until we come  
4 back to the Board with a full scope of work for your  
5 approval. We wanted to have this as a place holder.

6 Finally, one other item, which is not explicitly  
7 set forth in the resolution but which staff will be  
8 working on pursuant to the Board's direction, is a  
9 proposal brought to our attention to request consideration  
10 of a proposal for assisting the manifest work by providing  
11 hand-held devices to waste tire haulers -- to waste tire  
12 haulers to improve the efficiency of collection of  
13 manifest information. Staff is investigating that and  
14 will report back to the Board on that as part of the May  
15 reallocation proposal.

16 With that, Madam Chair, staff recommends that the  
17 Board approve Resolution 2007-33 as revised.

18 CHAIRPERSON BROWN: Thank you, Jim.

19 Any questions?

20 BOARD MEMBER CHESBRO: I'll move the resolution,  
21 Madam Chair.

22 BOARD MEMBER MULÉ: Second.

23 CHAIRPERSON BROWN: It's been moved by Member  
24 Chesbro and seconded by Member Mulé.

25 Kristen, can you call the roll.

1 EXECUTIVE ASSISTANT GARNER: Chesbro?

2 BOARD MEMBER CHESBRO: Aye.

3 EXECUTIVE ASSISTANT GARNER: Danzinger?

4 BOARD MEMBER DANZINGER: Aye.

5 EXECUTIVE ASSISTANT GARNER: Mulé?

6 BOARD MEMBER MULÉ: Aye.

7 EXECUTIVE ASSISTANT GARNER: Brown?

8 CHAIRPERSON BROWN: Aye.

9 Okay. And now the next fiscal consent item is  
10 Item No. 20 from the Market Development and sustainability  
11 Committee.

12 And John Smith is to present.

13 RECYCLING BUSINESS ASSISTANCE BRANCH MANAGER

14 SMITH: Good morning, Chair Brown and Board members. For  
15 the record, my name is John Smith. I'm the Acting Deputy  
16 Director for Waste Prevention and Market Development.

17 Item 20, consideration of the Recycling Market  
18 Development Revolving Loan Program application for Desert  
19 Solutions.

20 This is a loan to Desert Solutions for \$1,809,000  
21 for capital improvements and purchase of equipment. This  
22 is a state-of-the-art, fully enclosed composting facility  
23 that will process a wide variety of organics and divert up  
24 to 65,000 tons per year. Finished products will include  
25 mulch and compost. The facility is located in Cathedral

1 City in the Riverside County RMDZ.

2 Staff recommends that the Board approve Option 1  
3 and adopted Resolution No. 2007-39 to approve an RMDZ loan  
4 to Desert Solutions, Inc., in the amount of \$1,809,000.

5 That concludes my presentation. Do you have any  
6 questions?

7 CHAIRPERSON BROWN: Thank you, John.

8 Any questions?

9 Okay.

10 BOARD MEMBER CHESBRO: I'll move Resolution  
11 2007-39.

12 BOARD MEMBER MULÉ: Second.

13 CHAIRPERSON BROWN: It's been moved by Member  
14 Chesbro, seconded by member Mulé.

15 Kristen, can you call the roll.

16 EXECUTIVE ASSISTANT GARNER: Chesbro?

17 BOARD MEMBER CHESBRO: Aye.

18 EXECUTIVE ASSISTANT GARNER: Danzinger?

19 BOARD MEMBER DANZINGER: Aye.

20 EXECUTIVE ASSISTANT GARNER: Mulé?

21 BOARD MEMBER MULÉ: Aye.

22 EXECUTIVE ASSISTANT GARNER: Brown?

23 CHAIRPERSON BROWN: Aye.

24 Now we'll move to Item No. 23 in fiscal consent.

25 And Jim Lee to present.

1           DEPUTY DIRECTOR LEE: Just caught me by surprise  
2 here, Madam Chair. I apologize.

3           CHAIRPERSON BROWN: Sorry. You just get -- you  
4 get one item under every committee. Aren't you lucky.

5           DEPUTY DIRECTOR LEE: It seems that way.

6           CHAIRPERSON BROWN: This is RAC. See, I got a  
7 script. I'm just moving right through it, Jim. Sorry.

8           (Laughter.)

9           DEPUTY DIRECTOR LEE: I've got it. Thank you,  
10 Madam Chair.

11           Board Item 23. This is consideration of grant  
12 awards for the Targeted Rubberized Asphalt Concrete  
13 Incentive Grant Program.

14           This agenda item has been revised to reflect  
15 staff proposals for the award of a \$175,000 grant to the  
16 City of Stockton. This item was discussed and recommended  
17 for approval by the Market Development and Sustainability  
18 Committee.

19           Staff recommends that the Board approve  
20 Resolution 2007-37 as revised.

21           CHAIRPERSON BROWN: Thank you.

22           Any questions?

23           BOARD MEMBER CHESBRO: Move the resolution.

24           BOARD MEMBER MULÉ: Second.

25           CHAIRPERSON BROWN: It's been moved by Member

1 Chesbro and seconded by Member Mulé.

2 Kristen, can you call the roll.

3 EXECUTIVE ASSISTANT GARNER: Chesbro?

4 BOARD MEMBER CHESBRO: Aye.

5 EXECUTIVE ASSISTANT GARNER: Danzinger?

6 BOARD MEMBER DANZINGER: Aye.

7 EXECUTIVE ASSISTANT GARNER: Mulé?

8 BOARD MEMBER MULÉ: Aye.

9 EXECUTIVE ASSISTANT GARNER: Brown?

10 CHAIRPERSON BROWN: Aye.

11 Okay. Jim, you're up again.

12 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

13 CHAIRPERSON BROWN: Item 24.

14 DEPUTY DIRECTOR LEE: Board Item 24 is  
15 consideration of scope of work and contractor for the  
16 State Agency Partnership to Support the Use of  
17 Tire-Derived Products Contract.

18 This item was heard by the Market Development and  
19 Sustainability Committee. The Committee supported staff's  
20 recommendation for approval of \$400,000 for a scope of  
21 work and contract with Big Fresno Fair.

22 Tire-derived products expected to be prominently  
23 displayed at the fair include rubber sports flooring,  
24 rubber mats, ground rubber for the kids' park area, rubber  
25 mulch, rubber sandbags, rubber traffic delineators, and

1 rubberized mats for horse and animal stalls.

2 Staff recommends the Board approve the scope of  
3 work and Big Fresno Fair as contractor for the state  
4 agency partnership to support the use of tire-derived  
5 products for a contract in the amount not to exceed  
6 \$400,000.

7 Staff also requests the Board approve Resolution  
8 2007-38.

9 CHAIRPERSON BROWN: I couldn't resist. This is a  
10 big deal.

11 (Laughter.)

12 CHAIRPERSON BROWN: Okay.

13 BOARD MEMBER CHESBRO: Well, my only question  
14 was: If there's a Big Fresno fair, is there a Little  
15 Fresno Fair too?

16 (Laughter.)

17 CHAIRPERSON BROWN: That's a good question.  
18 We'll make sure that you go to the Big Fresno Fair to find  
19 out.

20 (Laughter.)

21 CHAIRPERSON BROWN: Any questions on this item?  
22 Okay.

23 BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
24 Resolution 2007-38.

25 BOARD MEMBER DANZINGER: Second.

1           CHAIRPERSON BROWN:  It's been moved by Member  
2  Mulé and seconded by Member Danzinger.  
3           Kristen, can you call the roll.  
4           EXECUTIVE ASSISTANT GARNER:  Chesbro?  
5           BOARD MEMBER CHESBRO:  Aye.  
6           EXECUTIVE ASSISTANT GARNER:  Danzinger?  
7           BOARD MEMBER DANZINGER:  Aye.  
8           EXECUTIVE ASSISTANT GARNER:  Mulé?  
9           BOARD MEMBER MULÉ:  Aye.  
10          EXECUTIVE ASSISTANT GARNER:  Brown?  
11          CHAIRPERSON BROWN:  Aye.  
12          Thank you.  
13          That completes our fiscal consent calendar.  
14          We will move next to items to be heard before the  
15 full Board.  
16          And we will begin with Item 6, consideration of a  
17 revised full solid waste facility permit for Sunshine  
18 Canyon County Extension Landfill.  
19          Howard Levenson, would you begin the  
20 presentations.  
21          DEPUTY DIRECTOR LEVENSON:  Thank you, Madam  
22 Chair.  If I could have about 30 seconds so we can have  
23 staff come up to the table here.  
24          CHAIRPERSON BROWN:  Certainly.  
25          (Thereupon an overhead presentation was

1 Presented as follows.)

2 DEPUTY DIRECTOR LEVENSON: What is being  
3 requested.

4 CHAIRPERSON BROWN: I think that's somebody  
5 else's presentation following you.

6 It looks familiar.

7 DEPUTY DIRECTOR LEVENSON: Okay. I think we're  
8 all set.

9 Good morning, Madam Chair and Board members.  
10 Howard Levenson, Deputy Director for Permitting and  
11 Enforcement. As you indicated, this item is on  
12 Sunshine --

13 CHAIRPERSON BROWN: Hang on.

14 Can you guys roll the slides back to the  
15 beginning and just -- yeah, put it in sleep mode for a  
16 minute, because that's a future presentation.

17 Thank you.

18 DEPUTY DIRECTOR LEVENSON: Thank you.

19 This item is on the Sunshine Canyon County  
20 Extension Landfill, a revised permit, as you indicated. I  
21 would like to be able on make a short presentation. I'll  
22 try my best. But I think for purposes of the record,  
23 since is a very controversial landfill, there are certain  
24 things that I need to get stated in terms of what the  
25 proposed changes are and what's happened over the last 10



1 to 15 days with communications between staff, the Board  
2 and various parties involved in this revised permit. So  
3 if you'll indulge me for a few minutes.

4           Sunshine Canyon County Extension Landfill, as you  
5 know, is located in unincorporated Los Angeles County.  
6 It's adjacent to the city landfill. But this proposed  
7 permit only concerns the county side of the site. It does  
8 not allow for a combination of the two landfills.

9           The proposed permit has a number of changes. It  
10 would increase disposal area from 119 1/2 to 161 1/2  
11 acres. It provides for some revisions in the tonnage  
12 amounts, but there's actually no significant change in the  
13 amount of waste that would be received. There is a  
14 decrease in the total average daily tonnage involved due  
15 to changes in the amount of exempt materials that are  
16 allowed on a daily and weekly basis.

17           It would increase total site capacity from 23 to  
18 37 million cubic yards. It would increase the maximum  
19 final elevation by 19 feet, including a four-foot thick  
20 final cap. It would extend the estimated closure date to  
21 2013. The current estimate is about two years as of last  
22 October.

23           It would reduce Saturday hours from disposal from  
24 the current 6 a.m. to 6 p.m. to the proposed 7 a.m. to 2  
25 p.m. Although those hours could be extended to 6 p.m.

1 when necessary to accommodate post-holiday disposal.

2 It would prohibit the use of a number of  
3 specified materials as alternative daily cover.

4 It would allow the Board of Supervisors to  
5 increase the maximum amount of tonnage under certain  
6 circumstances to protect public health and safety or if  
7 there's a declared emergency.

8 And it would increase the number -- or the  
9 minimum number of load checks required depending on the  
10 amount of tonnage coming into the facility on a given day.

11 There other changes as well, but those are the  
12 primary once.

13 The LEA has certified that the application  
14 package is complete and correct and that the report of  
15 facility information meets the requirements of the  
16 California Code of Regulations. The LEA has determined  
17 that this permit revision is consistent with and is  
18 supported by the existing CEQA, California Environmental  
19 Quality Act, analysis.

20 Board staff have also reviewed the proposed  
21 permit in the supporting documentation and we find them to  
22 be acceptable.

23 Now, much has happened since February 1st. And  
24 I'd like to go over some of that material.

25 On Thursday, February 1st, the LEA conducted a

1 public meeting in Granada Hills. This was in addition to  
2 the AB 1497 meeting that had been conducted prior to that.

3 The LEA provided information on the status of the  
4 permit and reviewed changes in the proposed permit that  
5 had been made after the 1497 meeting. The LEA also  
6 provided answers to questions that had been asked during  
7 that prior 1497 meeting.

8 Many of the commenters at that February 1st  
9 meeting indicated that the notice for the meeting was late  
10 and that it wasn't comprehensive. The LEA explained that  
11 the meeting had been scheduled so that comments could be  
12 provided to Board staff before the Permitting and  
13 Compliance Committee meeting that was held last week.

14 As you know, staff -- Waste Board staff attended  
15 that meeting. And took notes. We want to note the  
16 specific concerns that were raised, at least a summary of  
17 those:

18 One was that landfill activities have led to  
19 reduced water flow in Bee Canyon Creek. Another was that  
20 the revegetation of the intermediate and final slopes and  
21 area -- final slopes was inadequate; that slope stability  
22 analysis was not adequate to show compliance with state  
23 standards; that slope in landfill liner will not survive  
24 an earthquake; that previous studies on the effects of air  
25 emissions had not been adequately conducted particularly

1 relative to diesel emissions; that there were a number of  
2 students at the elementary school, van Gogh School, with  
3 allergies and asthma; that there wasn't enough emphasis on  
4 recycling; and that expansion of the landfill will  
5 negatively impact future recycling efforts.

6           Medical and radioactive waste were being  
7 deposited in the landfill; concerns about increased  
8 safety -- or increased danger to bicyclists because of the  
9 number of trucks using the landfill; concerns about the  
10 landfill height; and, finally, concerns that while  
11 violations had been issued to the landfill, no penalties  
12 have been assessed.

13           At least based on information the staff has, the  
14 LEA also received an additional 39 e-mails after the  
15 meeting voicing opposition to the expansion.

16           These were discussed in more detail at the  
17 Committee meeting. So for here I would just like to  
18 indicate that Board staff has reviewed these comments and  
19 determined that many of them speak to issues that are not  
20 within the statutory or regulatory authority of the LEA or  
21 the Board, and that they have been or will have to be  
22 discussed and evaluated and addressed by other regulatory  
23 agencies.

24           Based on discussion with state and regional water  
25 board staff, for example, many of the issues that I just

1 touched on are related to the Water Board section of Title  
2 27.

3 The regional board also has received the various  
4 objective's comments that had been submitted to our Board.  
5 The regional board, some of you may be aware of, posted  
6 tentative waste discharge requirements on February 6th on  
7 their website, and they are scheduled to be heard for  
8 adoption at the region's April 5th board meeting.

9 Now, for the issues within the LEA's and the  
10 Board's authority, the staff report before you addresses  
11 the major issues. And all of the issues are addressed in  
12 the CEQA documents, the joint technical documents, and the  
13 proceed permit.

14 The item includes a staff summary on pages 11 to  
15 12 of the issues that had been raised by stakeholders at  
16 the time the item was written, which was before February  
17 1st, and staff's overall response. These include issues  
18 such as the proposed design of the final cover and the  
19 liner and the slopes as well as slope stability.

20 Now, February 1st, prior to the Committee  
21 meeting, the Board received additional lengthy  
22 correspondence from representatives of the North Valley  
23 Coalition and others, citing among other things an  
24 analysis by Dr. Richardson. The Board also received  
25 letters from L.A. City Councilmembers Reyes and Parks in

1 support of the proposed revisions and from Councilmember  
2 Smith and Congressman Sherman, not directly voicing  
3 opposition, but urging the Board to closely review the  
4 comments outlined by the opponents in their February 1st  
5 letter to ensure that all of the engineering concerns were  
6 fully addressed.

7 We also received correspondence from the operator  
8 responding to the February 1st letter.

9 Now, Waste Board staff has reviewed the recent  
10 submittals by both the opposition and the operator. And  
11 we're prepared to go into much more depth, as you wish.  
12 But I want to briefly summarize our response to those  
13 comments.

14 First, I want to reiterate that the technical  
15 parts of the joint technical document, including slope  
16 stability, have been independently reviewed by three  
17 different sets of engineering eyes. This includes: For  
18 the LEA, the L.A. Department of Public Works; for the  
19 regional water board, through their contractual  
20 relationship with Department of Water Resources and our  
21 own Waste Board technical staff.

22 Waste Board staff considers the proposed project  
23 as described in the joint technical document to be in  
24 compliance with state minimum standards.

25 I want to address four comments or issues that

1 were mentioned in the February 1st letter from the  
2 opponents.

3 First was that the 12-inch vegetation layer is  
4 insufficient. However, in this case the operator has  
5 proposed what is known as a prescriptive cover. And the  
6 standard for prescriptive cover does allow for a 12-inch  
7 erosion vegetative layer.

8 Second, there's been quite a bit of concern that  
9 certain studies would be postponed. The seismic studies  
10 that would be deferred are for temporary slopes that would  
11 be built during the construction of the liner. These are  
12 not likely to be built for several years. And the details  
13 about those slopes will be known at the time of  
14 construction. And it could be determined at that time if  
15 additional buttressing will or will not be needed during  
16 the liner construction. This is fairly typical for this  
17 kind of endeavor. And the normal quality assurance,  
18 quality control kinds of mechanisms will require -- we  
19 will have to have specific analyses of materials done  
20 during that actual construction to demonstrate compliance  
21 with the design factors.

22 A third area of concern has been potential  
23 failure of the final cover in response to some kind of  
24 catastrophic event.

25 Final cover as proposed in staff's opinion meets

1 the state minimum standards. Based on the information we  
2 have, deformation of the final cover during some event  
3 such as a quake would be limited to the topsoil layer  
4 only, and the barrier layer underneath would still be  
5 intact. So there would be no direct contact of  
6 precipitation with the waste material.

7 In addition, the soil layer can be repaired, and  
8 the financial assurances for post-closure maintenance do  
9 include funds for normal repair.

10 There would potentially be according to the  
11 analysis a cumulative movement of up to 6 to 24 inches.  
12 This doesn't mean that the entire slope moves 6 to 24  
13 inches, but rather that there's some cumulative small  
14 movements that might add up to that figure.

15 The last major concern is that these are  
16 preliminary closure and post-closure maintenance plans as  
17 opposed to final plans. However, preliminary plans are  
18 all that is required by regulations at the time of a  
19 revised permit. They are supposed to have a conceptual  
20 design with sufficient information to demonstrate  
21 compliance with state minimum standards and provide  
22 corollary cost estimates.

23 These plans are to be updated every five years at  
24 a minimum. And final plans are not due until two years  
25 prior to the final receipt of waste.



1           So that is a summary of many of the issues.  
2   Certainly not every single issue, but the primary ones  
3   that we have noted in our response and our conclusions.

4           So, in conclusion, Board staff recommends Option  
5   1, that the Board adopt the CEQA findings and statement of  
6   overriding considerations adopted by the lead agencies and  
7   concur in the issuance of the proposed permit as submitted  
8   by the LEA by adopting Resolution 2007-20 for Solid Waste  
9   Facilities Permit number 19-AA-0853.

10           This concludes staff's presentation.

11           As you know, Madam Chair, there are  
12   representatives of the operator, the LEA, and opponents  
13   who wish to speak. And certainly staff is available to  
14   answer any questions that you might have of us.

15           Thank you.

16           CHAIRPERSON BROWN: Great. Thank you, Howard.

17           Without objection of the Board, we -- we do have  
18   several speakers. We have agreed prior to this meeting to  
19   grant ten minutes to Dr. Richardson and ten minutes to the  
20   applicant. And then we do have about five members of the  
21   public who would like to address the Board as well.

22           So without objection, we'll move to the testimony  
23   and ask questions as each person goes. And then we can  
24   follow up with staff.

25           So I will invite up Dr. Richardson for his

1 presentation.

2 MR. ANDERSON: Dr. Richardson is not able to be  
3 here because the Court --

4 CHAIRPERSON BROWN: Go ahead.

5 MR. ANDERSON: You should see what happened to  
6 the other guy. I can bear it. This was a shoulder  
7 operation. Actually codeine pays, but if you excuse this.

8 Thank you very much.

9 CHAIRPERSON BROWN: So you're testifying on  
10 behalf of the request?

11 MR. ANDERSON: Yes, I am.

12 CHAIRPERSON BROWN: Okay.

13 MR. ANDERSON: Dr. Richardson -- I terribly  
14 regret his not being able to be here.

15 CHAIRPERSON BROWN: Could you state your name for  
16 the record.

17 MR. ANDERSON: Yes, my name is Peter Anderson.  
18 I'm Executive Director of the Center for Competitive Waste  
19 Industry. And I'm testifying on behalf of the coalition  
20 opposed to this facility.

21 And Dr. Richardson was supposed to be here. The  
22 parties have settled the case he was involved with. But  
23 then the attorneys looked at it. And the attorneys being  
24 deal breakers, that fell apart. He's stuck in Columbus  
25 till Wednesday.

1           What I would like to do, if I may, Madam Chair,  
2 is -- on January 31st for the committee meeting Attorney  
3 Lye submitted 75 pages of detailed comments. What I'd  
4 like to do instead is pull out from those issues those  
5 things which are the overarching policy considerations  
6 that we would like to bring to the attention of the Board,  
7 that are not technical but bear upon your responsibilities  
8 and your obligations as chair members.

9           The Sunshine Canyon case represents a concerted  
10 effort by the regulatory process -- affiliate of the  
11 regulatory process to address the critical issues charged  
12 to agencies involved in this permitting. If not  
13 rectified, the result will be to improperly shift enormous  
14 risks, which should be borne by BFI, to the public when  
15 the final cover fails after an earthquake, as it almost  
16 surely will.

17           Like the Sunshine Canyon case I'll return to in a  
18 moment, the landscape is littered with examples of  
19 agencies that were unwilling to address their  
20 responsibilities and the agencies settled into collective  
21 denial while ignoring the enormity of the risk unattended  
22 and, thereby, left the public and tax payers with massive  
23 costs of cleanup afterwards.

24           Most recently we have seen this in regard -- this  
25 collective denial in regard to Hurricane Katrina in Los

1 Angeles, which was only slated to be able to survive a  
2 Class 3 hurricane even though the inevitability of Class 4  
3 and 5 hurricanes was well known and enormous incalculable  
4 loss.

5           An example further back in time that most closely  
6 tracks how the regulatory process can slide in collective  
7 denial occurred at Three Mile Island accident in 1979.  
8 The President's blue ribbon investigatory panel pinned the  
9 blame on that near meltdown on the fact that, quote, there  
10 was a lack of closure in the system. That is, important  
11 safety issues are frequently raised and may be studied to  
12 some degree in depth, but are not carried through to  
13 resolution. That panel's reference was specifically to  
14 the fact that the exact same sequence of mistakes that  
15 lead to TMI to a near meltdown of the reactor occurred 13  
16 months earlier in 1977 at Babcock and Wilcox, Bessey --  
17 Davis-Bessey involving a mission critical pressure relief  
18 valve that stuck open. In fact, the President's panel  
19 found Babcock-Wilcox plants had experienced a stuck-open  
20 pressure relief valve nine times before. Although  
21 fortuitously on each of those prior occasions, those  
22 plants were only operating at partial power, which  
23 confined the breach of the prior events to minor  
24 incidents.

25           Nevertheless, a senior engineer at Babcock-Wilcox

1 did read the accident reports of these earlier errors, saw  
2 the enormous implications if they were to occur at a plant  
3 at full power, and urgently sent a message to his  
4 management demanding that they send an alert to all the  
5 B&W operators to be aware of this problem. Nothing was  
6 done.

7           When the blue ribbon panel interrogated the  
8 manager to find out why -- and I'm not making this up --  
9 here is what he said: The alert from his engineer came to  
10 him on yellow instead of on pink paper, which was called  
11 for for these notifications.

12           And it is uncanny how closely the regulatory  
13 process involved in Sunshine Canyon mirrors our collective  
14 denial both at Three Mile Island and New Orleans with  
15 Hurricane Katrina. Within a six-mile radius of Sunshine  
16 Canyon lies the San Fernando quake -- fault which caused a  
17 6.6 San Fernando earthquake in 1971 and the Northridge  
18 blind thrust fault which caused the 6.7 Northridge  
19 earthquake in 1994, 23 years later.

20           According to the U.S. Geological Survey and Cal  
21 Tech seismologist, a magnitude 6.5 or greater earthquake  
22 at the site is 90 percent likely.

23           Dr. Greg Richardson, who has been talked about  
24 before, one of the nation's leading experts on landfill  
25 site stability and a coauthor of the EPA's own 1995

1 landfill seismic standards, says, quote, "I know of no  
2 other landfill in the United States in a higher seismic  
3 potential area."

4           In the past I have appeared before this Board  
5 many times, beginning back in the year 2003, to commend  
6 the foresight and the perspicacity of this staff in  
7 recognizing the fact that there are enormous risks posed  
8 by today's generation of mega-sized landfills, many of  
9 which are sited in apparently inappropriate locations of  
10 San Francisco Bay, in wetlands, and in earthquake zones,  
11 yet the present rules and practices do not as the  
12 Legislature intended provide any substantive financial  
13 assurance for corrective actions, other than the most  
14 trivial amounts for minor routine maintenance.

15           That admiration of what the staff has done in its  
16 rule-making activity remains steadfast. Unfortunately I  
17 very much regret to inform you the record in this case  
18 reveals a fundamental disconnect between the staff's  
19 conceptual recognition of the problem of possible  
20 catastrophic site failures associated with mega-fills on  
21 the one hand and on the other the need to apply those  
22 lessons through specific cases before the Board in order  
23 for that recognition to have any substantive effect.

24           Here is what we know: The joint technical  
25 document contains buried inside it a seismic analysis by

1 BFI's own consultant, GeoSyntec, to predict the amount of  
2 sliding of the final cover during a seismic event. He  
3 pointed to those curves based upon applicable yield  
4 acceleration showing a 4.9 feet vertical displacement.  
5 Although neither GeoSyntec nor the authors of the JTD  
6 addressed the implications on their own graph, Dr.  
7 Richardson made the implications quite clear that the  
8 cover would fail and would probably fail and be followed  
9 by a rainfall -- a torrential rainfall that would bring  
10 down substantial volumes of waste mixed with that rainfall  
11 that could be about 200 million gallons in a day, which  
12 would be essentially leachate.

13           In response to Dr. Richardson's conclusions, BFI  
14 has submitted a new post hoc analyses intended to discount  
15 the inevitable cover failure that its own analysis shows  
16 by recourse to engineering fictions that have no basis  
17 other than to work backwards from their own conclusions in  
18 order to avoid the clear implications of the study.

19           The response by the staff to assist the policy  
20 boards from resolving these technical disputes has  
21 unfortunately been to postpone critical seismic physical  
22 studies and to recommend that there be no objection to the  
23 permit. The chief technical reviewer of seismic issues  
24 for the State of California is Dr. Mike Driller in the  
25 Department of Water Resources. However, Mr. Driller has

1 stated for the work he's done for the Water Quality  
2 Control Board that they only provided him with funds to  
3 examine a liner on the bottom, not the final cover on the  
4 top.

5           It is exceedingly odd that the funds for the  
6 state's technical review to be restricted to studying the  
7 effect of an earthquake on the liner, for the major impact  
8 of an earthquake on an engineered landfill is on the  
9 cover. This is all too reminiscent of the nuclear  
10 regulatory and industry's tendency according to the  
11 President's commission, quote, "for it to be the case that  
12 important safety issues are frequently raised and may be  
13 studied to some degree and depth, but are not carried  
14 through to resolution."

15           Further raising the most serious questions about  
16 the process that the staffs have used to vet this  
17 application is the salient fact that both the Waste and  
18 the Water Boards in 1993 and in 1999 approved earlier  
19 expansion applications for this site with zero, that is to  
20 say zero dollars for financial assurance for corrective  
21 action. Even though the statutes clearly require that  
22 this be done for remediation efforts that are reasonably  
23 foreseeable.

24           The application before you as it currently stands  
25 has zero in it to show anything different than what it's



1 done before leaving you exposed. The most dangerous  
2 landfill site for earthquakes in the country has  
3 repeatedly been approved with nothing required for the  
4 inevitable cleanup cost that could easily run into the  
5 hundreds of millions of dollars.

6 In light of the vociferous complaints by the  
7 Legislature to the relatively minor assurance failure that  
8 BKK Landfill last year involving just \$10 million -- in  
9 light of that one would have hoped the staff -- staffs  
10 would have had a greater understanding of the actions it  
11 needs to undertake to protect the boards from criticism by  
12 future elected officials.

13 Indeed, this abdication is further exacerbated  
14 because the applicant in this case is extremely  
15 financially weak. It is over-leveraged capital structure  
16 consisting of 67 percent debt instead of the normal 50  
17 percent and a very anemic stream of free cash flow  
18 estimated by Wall Street at \$138.7 million. There is  
19 essentially, financially speaking, no way for BFI or its  
20 parent to have the financial capacity to address the costs  
21 of the inevitable catastrophic site failure even if it  
22 were inclined to do so.

23 What is the staff proposing to do in light of  
24 these major concerns when its own expert has simply not  
25 looked at the issues? Instead of addressing the serious

1 issues that have been put on the table as proposed to  
2 postpone doing so until Phase 6 of the expansion, which  
3 depending upon many individual particulars could be years  
4 from now.

5           Not only is the staff asking you to issue a  
6 decision approving the permit even through you cannot make  
7 the requisite findings necessary to reach before a  
8 decision can be found, but is also asking you to do so  
9 without any assurances that the taxpayers will be  
10 protected in the aftermath of the environmental tragedy.  
11 The question that you need to ask yourselves is this: If  
12 the staffs are unable to summon the courage to squarely  
13 address the defining issues of this singularly high risk  
14 site today when no dollars or no precommitments have been  
15 made in the bridge area, how can one conceive of their  
16 doing so years from now when tens of millions of dollars  
17 will have been invested and potentially upwards of 30 to  
18 40 percent of the deposited waste will have to be  
19 excavated and reinterred to stabilize a site.

20           After the unprecedented release of contamination  
21 that will definitely follow when earthquake occurs,  
22 impacting this area, we can be assured of one thing:  
23 There will be more -- one or more investigations to find  
24 out and assign blame. When that happens, I do not believe  
25 anyone would want to respond that they did not object to

1 the issuance of the permit because, as an example, it was  
2 the Water Board's responsibility for addressing corrective  
3 actions. That will sound no different or more convincing  
4 than that the B&W manager who justified his inaction which  
5 lead to the near catastrophic meltdown of TMI by  
6 complaining that the alert was brought to him on pink  
7 instead of on yellow paper.

8           One might pause to ask why such a patently  
9 inappropriate site for a mega-landfill is before you in  
10 the first place. The answer is that there is a market  
11 advantage among the various major waste haulers in Los  
12 Angeles for the company with this landfill closest to the  
13 routes. Now that Waste Bradley is closing, Sunshine  
14 Canyon's near in location is said to afford BFI something  
15 like a \$20 million a year cost advantage over WMI.

16           But for BFI to realize that advantage it is  
17 essentially asking you to offload the unprecedented risks  
18 to L.A. and to the state magnitudes greater than the  
19 company's gain, without any assurances whatsoever that the  
20 public will not have to pick up the costs of a cleanup  
21 after Sunshine releases the contaminated waste after an  
22 earthquake.

23           Nor for that matter, it should be mentioned, is  
24 there any short-term capacity shortfall to mandate the  
25 issuance of a permit that's 55 million tons approved in a

1 city site and there are many, many enormous excess  
2 capacity outside in the suburban areas in Imperial Valley.

3           There is no basis for approving this permit. Or  
4 counsel's legal opinion is that the rules do not allow the  
5 Board to approve the permit when its own expert cannot at  
6 the time the permit is issued find that the final slopes  
7 will protect the public health and safety documentation by  
8 the applicant is not sufficient for the Board to determine  
9 that either the preliminary or final closure plan is  
10 consistent with those standards.

11           The letter dated is February 1st by Linda Lye on  
12 behalf of the Coalition and explains in more detail why we  
13 believe that the issuance would violate the Water Waste  
14 Act and CEQA. And strongly urge that you object to the  
15 issuance of this permit.

16           And I want to thank you for your attention. And  
17 I'd be glad to respond to any questions that may have at  
18 this time.

19           CHAIRPERSON BROWN: Thank you, Mr. Anderson.

20           Does anybody have any questions for this speaker?

21           Okay. Next speaker is David Edwards.

22           (Thereupon an overhead presentation was

23           Presented as follows.)

24           MR. EDWARDS: Good morning Board members, Madam

25 Chair. My name is Dave Edwards. I'm the project director

1 for Sunshine Canyon landfill. Again, I'd like to make my  
2 presentation short and focus on those things that weren't  
3 covered by staff already.

4 We're here today to request approval of a solid  
5 waste facilities permit for the county landfill extension.  
6 And I'm here today to talk about some of the key aspects  
7 of our request.

8 --o0o--

9 MR. EDWARDS: The area outlined here -- we can  
10 skip to that slide.

11 The area outlined here in red is where we're  
12 already operating on the county side. The blue is the  
13 area that we are now requesting. The use of the extension  
14 area is consistent with all of our land-use approvals and  
15 also the two certified EIRs that have been done for the  
16 site. The extension will increase the disposal capacity  
17 up to 25.4 million tons and extend the area to 162 acres.

18 --o0o--

19 MR. EDWARDS: Sunshine Canyon landfill has been  
20 one of the most studied and reviewed and is one of the  
21 most regulated landfills in the country. Specific to this  
22 request, some of the agencies reviewing the project  
23 include L.A. County Health Services and Public Works  
24 Department, L.A. Regional Water Quality Control Board,  
25 State Department of Water Resources, and your staff.

1           Extensive site reviews include seismic  
2 conditions, slope stability, final cover stability, liner  
3 design, and groundwater protection. All of these reviews  
4 and analysis have been incorporated into the design for  
5 the facility, creating a stable landfill in all  
6 conditions.

7           Some of the design features include a double  
8 composite liner, leachate sumps with triple liner  
9 protection, a cutoff wall across the entire facility, and  
10 extensive gas recovery facilities.

11           Everything I have discussed here and what you'll  
12 hear later has been the subject of research, evaluation,  
13 and discussions at more than 80 public hearings and  
14 meetings.

15           Sunshine Canyon landfill has two full-time LEAs,  
16 plus two independent monitors, one for the city-side  
17 condition monitors and the other for air quality. No  
18 other landfill in the country has this type of monitoring.

19           We also have two community advisory committees,  
20 one on the city side and one on the county side, that  
21 review operating reports.

22           BFI has contributed extensively to the county,  
23 city, and to the community, including hundreds of acres of  
24 land surrounding the landfill and millions of dollars  
25 going to waste diversion programs and conversion

1 technologies, parkland and traffic improvements, hazardous  
2 waste roundups, and environmental education programs.

3 --o0o--

4 MR. EDWARDS: In closing, we respectfully request  
5 that the Integrated Solid Waste Management Board approve  
6 our revised solid waste facilities permit for the  
7 extension of landfilling within the county side of  
8 Sunshine Canyon landfill.

9 Thank you for listening.

10 Now, I'd like to introduce Dr. Kavazanjian. He's  
11 the Professor and Chair at the Department of Civil and  
12 Environmental Engineering at Arizona State University, and  
13 is here to talk today about the technical merits of our  
14 project and to respond to comments made by Mr. Richardson.

15 Dr. Kavazanjian is internationally recognized for  
16 work on waste containment systems, and I have submitted  
17 his resumé for the record.

18 This slide represents some of his  
19 accomplishments.

20 Dr. Kavazanjian.

21 DR. KAVAZANJIAN: Thank you, Dave.

22 And good morning, Madam Chair and Board members.  
23 For the record, my name is Ed Kavazanjian. And I've been  
24 involved in the county extension landfill since 1993. In  
25 fact, I was the engineer of record for the first two

1 phases of construction for the county extension.

2 In my brief presentation this morning I want to  
3 make four points about the design that's in front of you  
4 today.

5 --o0o--

6 DR. KAVAZANJIAN: This design is nothing new or  
7 unusual. The performance of this design in earthquakes  
8 and other extreme events is proven. The seismic impacts  
9 to the cover alleged by the opponents of the landfill have  
10 been greatly exaggerated, and the landfill presents no  
11 threat to the water supply or the public.

12 --o0o--

13 DR. KAVAZANJIAN: The design in front of you  
14 today is the same exact design that's been reviewed at  
15 least three times since 1996. It has the same slope  
16 angles, the same material properties. It employs the same  
17 design criteria as previous designs, designs that have  
18 been thoroughly vetted in public hearings and written  
19 commentary.

20 Perhaps the most comprehensive of the past  
21 reviews was one conducted for the first round of approvals  
22 in 1996 by Drs. Norm Abramson and Ed Edris, two of the  
23 foremost earthquake engineers in the country. All of the  
24 concerns raised by Dr. Abramson and Edris and other  
25 experts have been addressed to the satisfaction of the



1 Integrated Waste Management Board, the Regional Water  
2 Quality Control Board, the State Department of Water  
3 Resources.

4 Quite frankly, there's nothing special about the  
5 design for this landfill for southern California. And  
6 that includes the seismic exposure, the drainage design  
7 and the landfill design.

8 --o0o--

9 DR. KAVAZANJIAN: This is a picture of the Puente  
10 Hills landfill. The Puente Hills landfill is in a very  
11 similar seismic environment. Dr. Richardson says he knows  
12 of no landfill in a greater seismic exposure. But there  
13 are many landfills with similar seismic exposure,  
14 including Puente Hills, which has slopes just as steep,  
15 just as tall, just as close to a major freeway, and just  
16 as close to residential neighborhoods, and is just as safe  
17 as Sunshine Canyon.

18 --o0o--

19 DR. KAVAZANJIAN: You've received a lot of  
20 comments about the impact of a seismic event on the  
21 geosynthetic cover for the landfill. There are  
22 allegations, all untrue, that a major earthquake will  
23 result in a cover failure that will cause a flow slide  
24 that will exit the site and impact adjacent infrastructure  
25 that will take years to repair, and that will release 200

1 million cubic feet of methane to the environment.

2           The city landfill cover, the steepest cover on  
3 the site and the portion of the facility closest to the  
4 gate and much steeper than the design in front of you  
5 today, has already withstood a major earthquake, the  
6 Northridge earthquake, which in the words of our opponents  
7 has produced some of the strongest shaking ever recorded  
8 from an earthquake.

9                   Furthermore, in the unlikely event that the  
10 geosynthetic cover for the county extension fails, as  
11 predicted by Dr. Richardson, it will not expose the waste  
12 to the environment. In fact, the remaining three feet of  
13 engineered soil beneath the cover provides substantial  
14 environmental protection, more than the interim cover  
15 currently in place on the landfill, and that will be in  
16 place for many years prior to closure.

17           Functional restoration of the landfill after a  
18 major earthquake, repair of the surface water pathways,  
19 removal of the spalled soil, and restoration of a landfill  
20 gas control will take weeks, not years, as alleged by Dr.  
21 Richardson. It may take months to restore the landfill to  
22 its pre-earthquake condition. But the allegation that it  
23 will take years to restore the cover is unfounded.

24 --o0o--

25 DR. KAVAZANJIAN: Furthermore, this is picture --

1 whoops. Go back to the next slide.

2           This is a picture I took at the Lopez Canyon  
3 landfill the day after the Northridge earthquake. The  
4 Lopez Canyon landfill is just down the road from the  
5 sunshine -- from Sunshine Canyon, similarly close to the  
6 epicenter of the earthquake. And the day after the  
7 earthquake I hurried up there because, as engineer of  
8 record, I was obviously curious as to how it performed.  
9 The landfill was in full operation with no impacts to the  
10 liner system or the interim soil cover.

11                               --o0o--

12           DR. KAVAZANJIAN: Contrary to the fantastic  
13 scenarios created by our opponents, the landfill presents  
14 no threat to the water supply, infrastructure, or adjacent  
15 residents. The drainage system at the landfill was  
16 designed for both the 24-hour capital storm required by  
17 city regulations and the four-day 96-hour storm required  
18 by the county.

19           The four-day storm assumes burned and bulk flows,  
20 swollen by debris, as if a wildfire has occurred at the  
21 site. And, hence, the design includes a large concrete  
22 basin at the mouth of the landfill. If the basin was any  
23 larger, it would be regulated as a dam.

24           Next figure.

25                               --o0o--

1 DR. KAVAZANJIAN: This is a cross-section of the  
2 cover of the landfill. I call your attention to the three  
3 feet of engineered soil beneath the geomembrane cover that  
4 Dr. Richardson postulates will fail in an earthquake.  
5 This three feet of soil cover provides substantial  
6 environmental protection, more than enough to contain gas  
7 and provide erosion control.

8 Next slide.

9 --o0o--

10 DR. KAVAZANJIAN: Let's go to the next slide.

11 --o0o--

12 DR. KAVAZANJIAN: This is an aerial photo that  
13 provides an overview showing the relationship of the  
14 landfill, in the upper left, to the Los Angeles reservoir,  
15 in the lower right. For the scenario postulated by our  
16 opponents to occur, the waste and the cover would have to  
17 fluidize, flow through the landfill gate, flow about two  
18 miles parallel to the freeway in a drainage channel, which  
19 even though it survived the Northridge earthquake, is  
20 postulated as being completely destroyed in this next  
21 earthquake, and then somehow find its way into the  
22 reservoir.

23 It's a truly fantastic scenario indeed.

24 --o0o--

25 DR. KAVAZANJIAN: In summary, the county

1 extension design meets and exceeds all applicable  
2 standards. The performance of this design has been proven  
3 in major earthquakes. The landfill presents no threat to  
4 a water supply, the environment, or adjacent  
5 infrastructure. The validity of this design has been  
6 confirmed by independent reviews, so you don't have to  
7 take my word for it, but by your own staff, by the  
8 regional water board and by the Department of Water  
9 Resources.

10 Thank you for your attention.

11 BOARD MEMBER DANZINGER: Can I ask the speaker a  
12 quick question just to clarify?

13 CHAIRPERSON BROWN: Sure.

14 Hold on one minute.

15 BOARD MEMBER DANZINGER: I don't know if it was  
16 on your first slide or your second slide, you referenced  
17 this 1996 seismic study or, in response, something with  
18 the --

19 DR. KAVAZANJIAN: Correct.

20 BOARD MEMBER DANZINGER: Could you elaborate on  
21 that. I didn't get that.

22 DR. KAVAZANJIAN: Yeah. For the first phase of  
23 the county extension landfill, the North Valley Coalition  
24 hired a group of five seismic experts to review the  
25 design, including Dr. Norm Abramson, who's probably the

1 foremost seismic geologist in the country, and Dr. Ed  
2 Edris, Professor from UC Davis, who's one of the reading  
3 earthquake engineers. They submitted a number of comments  
4 that were responded to and addressed in the design, to the  
5 satisfaction of all of the agencies involved.

6 In fact, at the 1996 hearing, when Dr. Abramson  
7 was asked what he thought -- if he thought the design was  
8 deficient, his response was, "Well, I would have done it  
9 differently, but I think it's okay."

10 BOARD MEMBER DANZINGER: Okay. Thank you.

11 CHAIRPERSON BROWN: Thank you.

12 Any other questions at this time?

13 Okay. Thank you.

14 We have a couple of other speakers. Wayde  
15 Hunter.

16 I noticed you have filled out two forms, Mr.  
17 Hunter. If you could address the Board at one time and  
18 just mention the two organizations that you're  
19 representing. That will just be a little bit more  
20 efficient.

21 MR. HUNTER: Thank you, Madam Chair. I  
22 appreciate that.

23 It's a long trip up here and I'm up here for two  
24 organizations. First, my name is Wayde Hunter. I'm a  
25 member of the Citizens Advisory Committee for Sunshine

1 Canyon landfill for the City of Los Angeles. And I'd like  
2 to read a letter into the record. I've just supplied  
3 copies for you, and I apologize on the lateness. It was  
4 just completed before I left.

5 "Dear Chairperson and members of the Board:

6 "The City of Los Angeles's Advisory  
7 Committee for Sunshine Canyon landfill  
8 are writing to you today to urge the  
9 Board to consider the following:

10 "That you consider not permitting  
11 the landfill height limitation of 1885  
12 feet as established in 1994 county CUP  
13 to be expanded to 1904 feet as is now  
14 being proposed under SWFP submitted to  
15 the Integrated Waste Management Board  
16 based on Exhibit 81, maps originally  
17 approved by you.

18 "Given that your Board has recently  
19 received studies from independent  
20 consultants that call into question the  
21 facility's ability to withstand a large  
22 seismic event coupled with a significant  
23 storm, all of which may result in its  
24 failure, it should err on the side of  
25 caution and either deny or require a

1           thorough analysis before proceeding.

2           "The landfill sits directly over --  
3           and this is according to the USGS and  
4           Cal Tech seismologists -- the most  
5           active seismic site in the State of  
6           California, one which produced a  
7           vertical rise of 28 inches and a north  
8           shift of eight inches during the  
9           Northridge earthquake caused by  
10          previously unknown peak blind thrust  
11          fault. And we make the site" -- et  
12          cetera.

13          "According to the USGS Hashmap  
14          analysis 2002, the probability of a  
15          magnitude greater than 6.5 at the site  
16          over the next 50 years is .90 and over  
17          the next 100 years 1.0. The proposed  
18          increased weight and tonnage was not  
19          permitted or analyzed for seismic  
20          stability. Only the 1885 feet was  
21          analyzed. And that limit was not to be  
22          exceeded for any reason including  
23          surcharge and final cover.

24          "Revegetation of the landfill is  
25          essential to the health, safety and



1           welfare of the community surrounding the  
2           landfill. Today BFI has sought to avoid  
3           closing any portion of the county side,  
4           and that's not to mention the old city  
5           side landfill, which was a condition of  
6           approval for the expansion of the  
7           city-county 90 million ton expansion,  
8           and that just by stopping short of their  
9           final elevations. This is a very high  
10          wind area. And any aerial photograph,  
11          past or present, of the landfill reveals  
12          acres of bare earth with little or no  
13          grass either on the landfill or the  
14          adjoining interior cuts."

15               And let me just refer you back to that picture  
16   that flashed up number 2, that Mr. Edwards showed you.  
17   Find me some grass, find me some trees that's on that  
18   landfill. That is totally bare. That's thousands of  
19   acres of land that we're looking at.

20               Most certainly there are no shrubs or trees as  
21   depicted in all of the environmental documentation that  
22   have been submitted in support of this project.

23               Additionally, since this will become a combined  
24   city-county landfill within five years, BFI will not have  
25   to do final cover in the county in 2013 while any portion

1 of the now combined landfill remains active. State rules.

2 And they'll use it.

3 This is incumbent upon your Board to require that  
4 BFI start closing the fill portions of the county landfill  
5 now, complete closure of old city landfill, and to amend  
6 any approval which would require that under no  
7 circumstances will BFI or Allied Waste be permitted to  
8 continue operations without final cover on the county  
9 portion.

10 If you consider granting the solid waste  
11 facilities permit, we respectfully request that you adopt  
12 a financial assurance plan that will fully protect our  
13 community and the taxpayers from being burdened with the  
14 cost of necessary maintenance and cleanup that will be  
15 needed to protect the public and the environment; and that  
16 if any stronger financial assurance regulations are  
17 adopted by the city and/or the California Integrated Waste  
18 Management Board in the future, that they will be  
19 retroactively applied to Sunshine Canyon.

20 Thank you.

21 My second one -- and I appreciate it, because  
22 this is a long trip and we pay it out of our own pocket.  
23 And I really appreciate you giving me the extra time. I  
24 am again Wayne Hunter. I am President of the North Valley  
25 Coalition.

1           I'd just like to say that -- and, you know, I'm  
2   sure you're aware of this. You've seen documents that we  
3   submitted. I thought it was just funny listening to the  
4   cavalier way that your staff was just blowing off the  
5   seismic and final cover concerns. And I want to caution  
6   the Board from adopting the same approach as the Regional  
7   Water Quality Control Board and putting off the analysis  
8   for the future. And I want to remind this Board that it  
9   is not the first time that design and seismic issues are  
10  being raised. When the county landfill was being  
11  originally permitted, the Treadwell Rollo Report, which  
12  was submitted by the North Valley Coalition and which the  
13  gentlemen were referring, questioned the design of the  
14  landfill. And, indeed, we were correct, we were proved  
15  correct, and they had to go back redesign. So here we are  
16  again and we're saying, "Hey, there's issues." And you  
17  really need to address them before you just go on and  
18  bless them in the future.

19           And, again, as I said, I -- you know, Mr.  
20  Edwards' picture, you know, just flashed on my -- you  
21  know, to me and I saw bare earth. And I said, "You know,  
22  you guys have really got to look at this, because this is  
23  what we see."

24           We were up here many years ago. Every one of you  
25  were different, you know. But we're the same people. We

1 live down there. And we've got to live with your  
2 decisions. And we depend on you to make sure you make the  
3 right ones and make sure that we are protected.

4           What Mr. Edwards didn't say when listing all  
5 those agencies that reviewed these seismic issues and  
6 things is that most of them said -- and I quote -- they  
7 didn't have the expertise to analyze what they were being  
8 presented, and they basically just passed it on to the  
9 next agency, "Hey, you deal with it." And this is exactly  
10 what you're going to do.

11           This whole thing makes no sense to us. The 16.9  
12 million tons was supposed to be limited to exactly that.  
13 The 1885-foot height was supposed to be limited to that.  
14 There was a plain that was put by the board of supervisor  
15 when they approved the county, saying for no reason would  
16 they ever pass through this for any reason, for surcharge,  
17 for final cover, no reason. Now, suddenly we find we're  
18 up to 1904 feet. This is not right.

19           I want to also point out that the approvals of  
20 the 90 million tons by the city was based on 55 million  
21 tons in the city, 16.9 million tons in the county --  
22 that's it, no more -- and 24 million tons in the bridge  
23 area between the city-county. That's how this all was  
24 being addressed. Now, suddenly we've gone to 25,432,094,  
25 which BFI has consistently denied existed. And I have

1 raised issues and I -- you know, I can provide you the  
2 documentation that said, "Hey, guys, you've got another 8  
3 million tons that you're playing a shell game with us and  
4 hiding in the county." Okay? And they can't deny it  
5 because I've got the documentation that will prove that to  
6 you. And they went to the city and said, you know, "Hey,  
7 we're out of room. We need this. We don't have any more  
8 room," you know, this kind of thing.

9           Now, suddenly all of this extra 8 million odd  
10 tons of capacity is suddenly appearing. And I'm asking  
11 you -- this is not right. 16.9 million tons is what they  
12 get. That's what's approved by the Board. 1885 feet is  
13 exactly what they were allowed. For no reason, as I said  
14 including surcharge, final cover, were they ever permitted  
15 to go through that. There's a reason for this. Look back  
16 at that number 2 picture, have them put that number 2 back  
17 and look at this area. This is a pass. We have super  
18 high winds through here. We all live downwind. Anything  
19 that happens in that landfill happens to us below. And  
20 we're asking for your protection and we're asking you  
21 not -- to deny this permit. And most certainly if you're  
22 ever going to consider it, make sure that all of these  
23 issues that are being raised have been addressed before  
24 you ever approve it.

25           Thank you very much for your time. I really

1 appreciate it. Thank you.

2 CHAIRPERSON BROWN: Thank you, Mr. Hunter, for  
3 being here and for making the trip.

4 Does anybody have any questions for Mr. Hunter?

5 BOARD MEMBER MULÉ: Madam Chair, just have a  
6 couple questions for staff.

7 Howard, in the letter that we just received from  
8 Mr. Hunter, it says that the proposed increased weight in  
9 tonnage was not permitted or analyzed for seismic  
10 stability and only the 1885 feet was analyzed.

11 Could you please address that for us?

12 DEPUTY DIRECTOR LEVENSON: I'm going to ask Mike  
13 Wochnick to address that.

14 But before I do I want to -- I'm not going to  
15 lower myself to respond to some of the accusations that  
16 have been made about staff. But I do want to indicate  
17 that we have a lot of highly dedicated professional staff  
18 that have spent a lot of time on this project analyzing  
19 the various documents, whether they be on pink or yellow  
20 or white paper. And I particularly want to thank Bill  
21 Marciniak Suzanne Hambleton, Ray Seamans, Peter Jan, Mark  
22 de Bie, Michael Bledsoe, Mike Wochnick, Scott Walker.  
23 There's a lot of folks who've spent a lot of time this,  
24 and I just want that on the record.

25 Thank you.

1           CHAIRPERSON BROWN: Thank you.

2           Thanks, Mike.

3           CLOSURE & TECHNICAL SERVICES SECTION MANAGER

4   WOCHNICK: Regarding the 1885-1904, I don't know -- I'd  
5   have to go back to look at the exact design plans, what we  
6   have in the JTD. I'm not sure -- offhand I don't remember  
7   what the height there was.

8           BOARD MEMBER MULÉ: I guess my question is, is  
9   the seismic studies that you have been reviewing are for  
10  what height? For the 1904?

11          CLOSURE & TECHNICAL SERVICES SECTION MANAGER

12  WOCHNICK: I -- without the JTD in front of me, I could  
13  tell.

14          CHAIRPERSON BROWN: Scott Walker is shaking his  
15  head yes. So --

16          CLOSURE & TECHNICAL SERVICES SECTION MANAGER

17  WOCHNICK: Okay.

18          BOARD MEMBER MULÉ: I just want to make sure that  
19  we're -- you know, we're doing --

20          CLOSURE & TECHNICAL SERVICES SECTION MANAGER

21  WOCHNICK: My recollection, it was. But I can't say for  
22  sure.

23          BOARD MEMBER MULÉ: Okay. And then the other  
24  question I have is on the cover for the -- on the second  
25  page of the letter, let's see, where it says the final

1 cover, is that something --

2 DEPUTY DIRECTOR LEVENSON: Just for the record,  
3 we do not have a copy of that letter. So if you can  
4 read -- or phrase the question.

5 BOARD MEMBER MULÉ: Okay. Yeah, let me -- let's  
6 see. It talks about final cover. Additionally since this  
7 site will be become a combined city-county landfill within  
8 five years, BFI will not have to do the final cover in the  
9 county in 2013 while any portion of the now combined  
10 landfill remains active.

11 DEPUTY DIRECTOR LEVENSON: Well, let me respond  
12 to that first by saying that any proposal for combining  
13 the two landfills and what the final cover will be is not  
14 the subject of this proposed permit.

15 BOARD MEMBER MULÉ: Correct.

16 DEPUTY DIRECTOR LEVENSON: If at some point in  
17 the future there does -- a proposal such as that develops  
18 and it's taken through the local land use and other  
19 analyses, we will be looking at the final cover and slope  
20 stability of that configuration, which will be very, very  
21 different than what is being proposed for this particular  
22 expansion.

23 BOARD MEMBER MULÉ: Thank you.

24 Okay. Thank you, Madam Chair.

25 BOARD MEMBER CHESBRO: Madam Chair?



1           CHAIRPERSON BROWN:   Member Chesbro.

2           BOARD MEMBER CHESBRO:   I was actually going to  
3   wait until we heard from everybody.   But I think we've  
4   kind of gotten into the area that I was going to ask  
5   about.   So let me ask it.

6           Can you describe for me -- and I'm sorry if I'm a  
7   little rusty -- the relationship between this permit and  
8   the final closure plan, both in regards to when the money  
9   for post-closure gets set aside and from the standpoint of  
10   the statement that was made that there are portions of the  
11   landfill that are very close to where they ultimately will  
12   be.   And I'm assuming this is factual.   You can -- someone  
13   can correct it if it's not.   But I'm taking it at face  
14   value that it is.   That there's significant portions of  
15   the landfill that are close to or at the ultimate  
16   elevation and yet are going to spend considerable period  
17   of time without the final closure cover because of the  
18   fact that other portions of the landfill are operating.  
19   So I'm trying to figure out how the two interact, how the  
20   closure plan and this permit do or don't work together.

21          DEPUTY DIRECTOR LEVENSON:   Member Chesbro, let me  
22   start -- and then I'll turn over to Mike Wochnick.   But  
23   let me start by addressing the broader financial assurance  
24   question that's also been raised here, particularly that  
25   there is not sufficient financial assurances to deal with

1 corrective action that would be needed in response to some  
2 kind of events such as a large scale earthquake.

3           That is correct. The Waste Board does not have  
4 under current regulations or statutory authority a  
5 provision for requiring financial assurances for that, you  
6 might call it, catastrophic corrective action. That's the  
7 subject, as Mr. Anderson indicated, of discussions that  
8 the Board's been having for the last three years at least;  
9 also the subject of AB 2296 enacted last year. And we  
10 will be returning to the Committee and the Board seeking  
11 further direction on those issues.

12           So I think it is safe to say that that issue is  
13 definitely on the table. The Board is going to be dealing  
14 with it as a policy matter. And at such time as there's a  
15 decision by the Board, we are going to have to go back in  
16 many permits and any future revisions would have to comply  
17 with whatever --

18           BOARD MEMBER CHESBRO: Okay. Now, that's the  
19 corrective action potential for setting aside money for  
20 that. But in terms of when the -- there is a requirement  
21 for post-closure funding.

22           DEPUTY DIRECTOR LEVENSON: Right.

23           BOARD MEMBER CHESBRO: And when does that -- does  
24 that happen any time before the entire landfill is closed  
25 or is there any relationship with this permit?

1           DEPUTY DIRECTOR LEVENSON: I'll let Mike go into  
2 the details. But the preliminary closure and post-closure  
3 plans have cost estimates for both closure. And then the  
4 required kinds of post-maintenance -- post-closure  
5 maintenance activities and a financial assurance mechanism  
6 has to be posted by the company that meets those cost  
7 estimates. That's part of our analysis of any revised  
8 permit. And in this case they have posted the financial  
9 assurance mechanisms that are commensurate with the  
10 current cost estimates for closure and the post-closure  
11 maintenance activities.

12           BOARD MEMBER CHESBRO: But that money only  
13 becomes available upon actual closure of the --

14           DEPUTY DIRECTOR LEVENSON: That money would only  
15 be available -- it's really there as a set-aside for the  
16 state should there be a failure and we have to take over.  
17 The company is required to maintain the site on its own as  
18 part of the post -- well, it's not even enclosure yet.  
19 But it certainly would be required to maintain the site  
20 once it's certified closed and then is required to post  
21 financial assurance mechanisms for that for the first 30  
22 years of post-closure maintenance.

23           BOARD MEMBER CHESBRO: But that money would not  
24 become available for any corrective action until  
25 post-closure, until the landfill had been actually

1 officially closed, is that --

2           DEPUTY DIRECTOR LEVENSON: It wouldn't even truly  
3 be available for corrective action. That's the broader  
4 policy issue that the Board's been grappling with and we  
5 have yet to, you know, make any final recommendations on.  
6 But it would be available for normal post-closure  
7 maintenance activities including breaches of the cap -- or  
8 the final cover if there was one. It would be available  
9 for repair and so on. But if there is a catastrophic  
10 failure and a higher degree of corrective action is  
11 required, those are the kinds of issues that are in this  
12 broader policy discussion that we've been having and are  
13 in the midst of trying to come to some conclusion on.

14           BOARD MEMBER CHESBRO: What about the statement  
15 in relation to portions of the landfill that are stated to  
16 be virtually at where they will be -- ultimately be  
17 enclosure and yet aren't vegetated, aren't covered? And I  
18 don't know, again, if that's factual or not. But I'm  
19 interested in whether or not there's any relationship  
20 between what we're approving -- what is proposed to be  
21 approved today and what ultimately will be done with those  
22 portions of the landfill and whether the permit requires  
23 any steps to be taken to in fact cover an area that's not  
24 going to receive additional -- significant additional  
25 waste in the future and vegetate it.

1 CLOSURE & TECHNICAL SERVICES SECTION MANAGER

2 WOCHNICK: Mr. Chesbro, under existing regulations an  
3 operator's not required to close the site while a portion  
4 of it's still operating. Right now there's two permits,  
5 one on the city side, one on the county side. Now, a  
6 portion of the city side has provided final cover on part  
7 of the landfill. And that was -- at one point the entire  
8 city side was closed, so they had to do it. And then they  
9 reopened it. But as part of the reopening, the city  
10 required them to close the older portion before they can,  
11 you know, operate new part of the city.

12 If and when the two sites be combined into one  
13 permit, the other two permits would go away and you would  
14 have one revised closure plan to cover the entire site.  
15 And then there's also a post-closure maintenance plan.

16 But, yes, under regulations they're not required  
17 to close until the entire site is closed. However, both  
18 Waste Board and Water Board, the policies and also kind of  
19 implied in the regulations, is we prefer a close-as-you-go  
20 system; that, you know, as certain areas get built up,  
21 that you would close the site because it's better  
22 environmentally. It's also usually cheaper to close it  
23 today than it will be ten years from now, but it's not  
24 required.

25 So, in essence, the one statement in the letter

1 that if the two areas do combine into one larger landfill  
2 that has a longer life, then, yes, these areas would  
3 not -- because right now the county side would have  
4 expected life to year 2013, and that's when they would be  
5 required to close. But if they do combine it, then they  
6 would have a longer life, so those areas would not  
7 necessarily have to close at that time.

8           However, you know, both the Water Board and the  
9 Waste Board would urge, you know, the operator to close as  
10 slopes reached their final elevation to close as you go.  
11 But, as I say, under current regulations that's not a  
12 requirement. It's a recommendation, you might say.

13           BOARD MEMBER CHESBRO: Thank you.

14           CHAIRPERSON BROWN: Okay. Thank you, Mike.

15           We do have three other speakers we'll invite up.  
16 First, Ralph Kroy.

17           MR. KROY: My name is Ralph Kroy. I'm a member  
18 of the community, also a member of the Sunshine Canyon  
19 Citizens Advisory Committee.

20           In reference to the history, it's listed that  
21 there are 32 violations on the county side. But the total  
22 story on Sunshine Canyon is as of May in 1999 there were  
23 110 violations, including AQMD violation, et cetera.  
24 These should have been also reported since we're looking  
25 at a company's background.

1           In regard to the seismic safety, the area is in  
2 one of the most seismically active areas in the state and  
3 country. The site is located between Mission Peak and the  
4 5 and 14 intersection. Mission Peak went up about 18  
5 inches in the '71 quake and again about '94 -- in the '94  
6 earthquake, a total of about 23 -- correction -- a total  
7 of almost 3 feet in 23 years. This is a tremendous change  
8 in geological -- in reference to geological time.

9           And, by the way, in comparison to Lopez, Lopez  
10 didn't do this. It's a bad analogy.

11           The intersection of the 5 and 14 were destroyed  
12 in '71, rebuilt much stronger, and failed again in '94,  
13 with the loss of a policeman's life who was crossing that  
14 intersection.

15           Lopez Canyon didn't have any intersections that  
16 failed in that manner. That's again a bad analogy.

17           This movement cannot occur without cracks in the  
18 ground. You can't move a mountain up 36 inches and not  
19 expect cracks in the soil, in the ground. You have some  
20 seismologists or geologists say, "Oh, there are no cracks  
21 there." I don't know how you can move a mountain up three  
22 feet and not have a crack here and there.

23           The early part of the landfill has no liner. The  
24 next part of the liner has a single -- next part of the  
25 landfill has a single liner, and that has already failed.

1           The newer part will have a double liner.

2   Hopefully this will be helpful.

3           The landfill is close to and almost across the  
4   street from the Metropolitan Water District, a plant  
5   serving 17 million customers. We speak of what might  
6   happen in a seismic event. The leachate doesn't  
7   necessarily have to go over the surface. It can also go  
8   by groundwater. I would contend that there are many  
9   cracks in that area. You don't move a mountain up three  
10   feet without cracking something.

11          The landfill is hundreds of feet above the water  
12   line of the Metropolitan Water District. The flow of  
13   leachate would not be very difficult to get there.

14          The landfill that was now being proposed has an  
15   increase of the permit of height from 1885 to 1904 feet  
16   above the mean sea level. This is another item in the  
17   safety of the operation. Making it higher cannot make it  
18   safer. This is beyond what was permitted by the county  
19   and board of supervisors. We need to address problems  
20   before we have approvals.

21          Now, we note -- one of the previous speakers has  
22   noted that with the slope that they had in the city, it  
23   was safe. During the '94 earthquake, the city side did  
24   slump during the wet season. And it was a major slump.  
25   Again, let me remind you that Lopez Canyon is not near the



1 Metropolitan Water District plant like the one we're  
2 talking about. And there were no freeway collapse.

3 I would like to read something into the record,  
4 if I may. This is from the -- well, it is something that  
5 was already sent to you, Sunshine Canyon landfill.

6 "The proposed approach of approving  
7 the SWFP now in referring consideration  
8 of the critical safety issues until a  
9 later date is unacceptable. This  
10 approach assumes that further studies  
11 will indicate the landfill design is  
12 safe. But as a matter of existing law,  
13 sound engineering design, and common  
14 sense, there is no basis for delaying  
15 consideration of safety or critical  
16 safety issues, particularly when future  
17 studies may indicate the fundamental  
18 design changes are necessary and must be  
19 incorporated into earlier phases of the  
20 landfill."

21 Thank you.

22 CHAIRPERSON BROWN: Thank you, sir.

23 Any questions?

24 BOARD MEMBER CHESBRO: Can I ask staff to address  
25 these -- they're in conversation, I think here.

1           Howard, can I ask staff to address this statement  
2   that during a -- I didn't catch the year -- but during a  
3   wet year there was a slumping in the landfill on the city  
4   side. Are we aware that there was some failure or some  
5   problem with the city portion of the landfill? I know  
6   that permit's not before us, but it's the --

7           DEPUTY DIRECTOR LEVENSON: I will have to kind of  
8   eyeball staff. But it might be a better answer -- or  
9   question to ask the operator to see or the LEA -- well,  
10   we don't ask the --

11          BOARD MEMBER CHESBRO: So what year did you say  
12   that took place in?

13          MR. KROY: In the 1990s.

14          BOARD MEMBER CHESBRO: 1990s, okay.

15          Is the operator aware of that or able to respond  
16   to that at all? Or the LEA? Is the LEA here?

17          CHAIRPERSON BROWN: The LEA for the county side  
18   is here, not the city side.

19          BOARD MEMBER CHESBRO: That would be the city  
20   LEA.

21          CHAIRPERSON BROWN: Sir, could you step aside.  
22   We have a question, but for the operator -- the applicant.

23          MR. EDWARDS: Dave Edwards again.

24          I'm not aware of any significant slumping that  
25   occurred after an event. We know because we had the

1 landfill evaluated following, you know, earthquakes, one  
2 in 1994, and we discovered no significant problems or  
3 significant settlement with the city landfill that he's  
4 discussing.

5 BOARD MEMBER CHESBRO: Thank you.

6 MR. HUNTER: Could I be recognized?

7 CHAIRPERSON BROWN: For just a moment. We have  
8 two other speakers and we need to --

9 MR. HUNTER: Thank you, ma'am.

10 CHAIRPERSON BROWN: -- keep this moving.

11 MR. HUNTER: Again, my name is Wayde Hunter.

12 CHAIRPERSON BROWN: So I want to give time to  
13 them.

14 MR. HUNTER: Yeah. My name is Wayde Hunter. The  
15 area we specifically speak of is at the entrance to the  
16 landfill. There's a very steep-sided section of the city  
17 landfill. And during the 1990s prior to the earthquake  
18 there was an extensive wet season. And the slumping  
19 occurred on the second bench, which resulted in extensive  
20 activity by Browning Ferris Industries to try to prop it  
21 up.

22 At the 1994 earthquake, the southern -- well, the  
23 eastern end of the landfill collapsed. Okay? And also  
24 during the flooding event, huge amounts of earth and dirt  
25 came out through the entrance of the landfill, swept

1 across San Fernando Road. San Fernando Road at the  
2 entrance was closed down.

3 So what we're trying to point out is that --  
4 their engineering was flippantly blowing off the fact that  
5 with, you know, a wet event nothing was going to happen,  
6 couldn't happen. And what I believe that I stated and  
7 what we had done, we said that if there was seismic  
8 activity and a combined, you know, wet event, you know, it  
9 could be a 100-year, you know, 500-year event, we said  
10 there is a great potential. And we have actually  
11 physically seen this without the seismic activity. And I  
12 can provide witnesses and dates and things if somebody  
13 needs that to say that those events occurred.

14 CHAIRPERSON BROWN: Thank you, Mr. Hunter.

15 I think a couple years ago was a pretty rainy  
16 season. 2003 was the rainiest season, hundred-year storm.  
17 Staff, were you aware of any of these allegations prior to  
18 today or have we heard of any of this?

19 DEPUTY DIRECTOR LEVENSON: Not to the best of my  
20 knowledge.

21 CHAIRPERSON BROWN: Okay. It wasn't raised by  
22 either of the LEAs, city, county side?

23 DEPUTY DIRECTOR LEVENSON: No.

24 CHAIRPERSON BROWN: Okay. What's before us today  
25 is an expansion for the county side. We really can't take

1 into consideration an event on the city side, is that  
2 correct, that occurred without our knowledge --

3 DEPUTY DIRECTOR LEVENSON: That's correct. We  
4 have to --

5 CHAIRPERSON BROWN: -- or that of the LEA?

6 DEPUTY DIRECTOR LEVENSON: Yes. We have to look  
7 at the proposed permit and the joint technical document,  
8 the underlying design and operational features and  
9 evaluate them in accordance with the state regulations,  
10 the state minimum standards. There's been a number of  
11 other issues raised here today about capacity, about  
12 several things that are related to local land-use  
13 decisions that had been made by the local elected  
14 officials that don't bear on our evaluation of the  
15 proposed permit.

16 CHAIRPERSON BROWN: Right. They're not within  
17 our jurisdiction.

18 Thank you, Howard. I appreciate your clarifying  
19 that.

20 I do have two other speakers who would like to  
21 address the Board on this item. So I'll invite them up  
22 and ask you to keep your comments please, you know, to the  
23 permit that is before the Board today.

24 Next is Bill Magavern.

25 MR. MAGAVERN: Good morning, Madam Chair, Board

1 Members Mulé, Danzinger and Chesbro. I'm Bill Magavern  
2 appearing on behalf of Sierra Club members in the Los  
3 Angeles area who are unable to be in Sacramento today.  
4 And I will be brief.

5 I think there are really two issues that need to  
6 be resolved before this permit could be granted:  
7 Financial assurance and the seismic stability of the final  
8 cover. And of course they're related.

9 On the seismic issue, we've got dueling experts.  
10 Clearly you're hearing from people on both sides with very  
11 differing opinions. So I would simply suggest that if in  
12 fact the state expert on this issue is Mr. Driller at  
13 Department of Water Resources, that you verify with him,  
14 did he in fact have an opportunity to analyze the final  
15 cover? Is that something that he covered? And if not, I  
16 think you'd want to make sure that that is addressed,  
17 particularly because of the fact that if there is a  
18 breach, then the state could potentially be on the hook  
19 for a large liability, which brings us to the financial  
20 assurance issue.

21 Financial assurance is something that is being  
22 addressed. The staff has been working on it for some  
23 years. The Board now has some deadlines on their AB 2296,  
24 which we cosponsored last year with former Board Member  
25 Peace, as I know you're all aware. And that issue was

1 addressed in your proposed strategic directives, which  
2 will be taken up later today.

3 And one of the points in that strategic directive  
4 is that every landfill have financial assurance for not  
5 only post-closure maintenance but also for corrective  
6 action.

7 So I would suggest that that excellent policy be  
8 put into practice as regards this specific landfill, and  
9 that you not allow an expansion until adequate financial  
10 assurances that cover corrective action are in place.

11 Thank you.

12 CHAIRPERSON BROWN: Thank you, Bill.

13 We have one speaker which may address his first  
14 question, which is Joe Mello from the State Water Board.

15 And then I'll have you answer, Howard, those  
16 questions.

17 MR. MELLO: Good morning, Madam Chair and members  
18 of the Board. Just here to reiterate a few things that  
19 staff have said already.

20 Most of the issues that you are hearing today are  
21 Water Board issues. They are in Water Board part of the  
22 regulations. Heard a lot about slope stability, heard  
23 some about financial assurance. Both of those are Water  
24 Board issues.

25 It is my understanding that Mr. Driller is in

1 receipt of the comments from the opponents, and he is  
2 reviewing those and will have reviewed those before the  
3 regional board meeting in two months.

4           One of the comments I heard was that funds were  
5 not available for technical review. I know that's not  
6 true. My staff maintains the contract for the water  
7 resources and I know there is money available and I know  
8 he is looking at it.

9           I'd also like to remind the Board that we do have  
10 a process if they do not agree with what the regional  
11 board is doing. We do have an appeal process, whereas the  
12 opponents of the landfills, if they don't agree with the  
13 seismic and slope stability work or the financial  
14 assurance that does come out of our waste discharge  
15 requirements process, that they can appeal that to the  
16 State Water Board. And we will take a new look at it. It  
17 has always been my approach that we take a fresh look, a  
18 look at anything that is appealed to us.

19           With the financial assurance issues, I know Garth  
20 Adams of your staff is working with our Water Board right  
21 now to make sure that financial assurance for a known and  
22 foreseeable release or reasonably foreseeable release is  
23 in a WDR process. That is one thing that I can confirm  
24 with our regional board program manager that will be in  
25 there. We do have another process that if we don't think



1 adequate financial assurance is in there, I can always  
2 request our board take it up on their own accord, which is  
3 something I will be looking at in these WDRs. I have  
4 staff members that do review the WDRs as they come across,  
5 and this is one we will be taking a look at.

6 Any questions?

7 CHAIRPERSON BROWN: Thank you, Joe.

8 Any questions for Joe?

9 Thank you for the clarifications.

10 MR. MELLO: Thank you.

11 CHAIRPERSON BROWN: Thank you for being here  
12 participating.

13 Howard. A couple of things were raised.

14 DEPUTY DIRECTOR LEVENSON: I'm not sure -- let's  
15 see. After Mr. Mello's presentation regarding the  
16 financial assurances -- let me just speak to that for a  
17 moment. That there was a suggestion that the Board not  
18 act on this permit unless it could assure that there was  
19 financial assurances for dealing with the non-water  
20 quality corrective actions, Mr. Mellow speaking about  
21 water quality related, which is in existence under the  
22 Water Board -- under a portion of Title 27.

23 We can certainly turn to counsel. But we do not  
24 have any requirements for non-water quality corrective  
25 action or financial assurance mechanisms related to that.

1 It's not something that the Board can consider in terms of  
2 its action on this permit under current statute and  
3 current regulations.

4           There were some questions about Mr. Driller. Let  
5 me reiterate -- and I'll also again turn to Mike. But let  
6 reiterate that Mr. Driller through the Department of Water  
7 Resources has conducted some analyses for the regional  
8 board. The Department of Public Works has conducted  
9 analyses for the LEA independent of Mr. Driller. And we  
10 have conducted our own analyses as staff on the Waste  
11 Board portions -- Waste Board related issues of final  
12 cover. And we have not found anything that would cause us  
13 to conclude that these will not meet state minimum  
14 standards.

15           CHAIRPERSON BROWN: Thank you, Howard.

16           Does anybody have any questions for staff or  
17 speakers?

18           BOARD MEMBER CHESBRO: The one remaining question  
19 I had -- and I think I already know the answer. But  
20 during the abbreviated discussion unfortunately at the  
21 Committee, there was reference made -- not in response to  
22 testimony because the opponents didn't come to  
23 Committee -- there was statements made I believe by the  
24 staff or possibly the LEA with regards to the seismic risk  
25 and how it had been mitigated in the design. And the

1 reference was just to the potential presence of a fault on  
2 the site and there not being a fault on the site. And I  
3 wanted to make sure -- it should be self-evident that this  
4 would be the case, but I just wanted to be reassured that  
5 in fact the analysis was not simply for an earthquake  
6 fault on this site but for seismic activity in the region  
7 that could affect the landfill.

8 CLOSURE & TECHNICAL SERVICES SECTION MANAGER

9 WOCHNICK: That's correct.

10 BOARD MEMBER CHESBRO: Staff's -- wait a minute.  
11 I don't understand the answer.

12 CLOSURE & TECHNICAL SERVICES SECTION MANAGER

13 WOCHNICK: When you do a seismic analysis you take looking  
14 at existing faults in the area and how large an earthquake  
15 can be from each fault. So it's not necessarily the  
16 nearest fault. It could be a further away fault but has a  
17 larger potential --

18 BOARD MEMBER CHESBRO: But it's not limited to  
19 the site?

20 CLOSURE & TECHNICAL SERVICES SECTION MANAGER

21 WOCHNICK: No, it's not limited.

22 BOARD MEMBER CHESBRO: -- this region?

23 CLOSURE & TECHNICAL SERVICES SECTION MANAGER

24 WOCHNICK: Right.

25 BOARD MEMBER CHESBRO: Thank you.

1           CHAIRPERSON BROWN: Thank you.

2           Any other questions?

3           I will have to say, Howard, this is a very  
4 complicated permit. We know it's probably one of most  
5 complicated we've got. And I'd like to commend you and  
6 your staff on the very thorough analysis, especially with  
7 a short-term turnaround on many of the documents from both  
8 the applicant and the opposition. And just want to thank  
9 you very much for your hard work. And I know you're  
10 dedicated to the mission of this organization and  
11 safeguarding the environment and public health and safety.  
12 And I think you did an excellent job. So not withstanding  
13 some of the comments on your capabilities, I think you and  
14 your staff have done a phenomenal job and I want to thank  
15 you.

16           At this time since we have no other questions and  
17 no other speakers, I'd like to entertain a motion, if  
18 there is one.

19           BOARD MEMBER DANZINGER: Let me just make a  
20 couple comments quick if I can. I'll be brief.

21           Yeah, I want to echo what the Chair just said.  
22 Howard, I think you and your staff are anything but  
23 cavalier. I think anyone who knows this business or this  
24 process knows the relative degree of scrutiny that this  
25 permit has received. And I think that, you know, our

1 Board and our staff are just the latest of many who have  
2 reviewed the permit application, the operation and the  
3 issues with great intensity.

4 I think that the applicant is working within a  
5 construct that's been established, and it's a very  
6 extensive construct that operates from the local all the  
7 way up. And there's a set of things that are very  
8 extensive and very elaborate that they're told that they  
9 must do. And they've done all of those things. It's been  
10 extensive verification by independent reviewers, by  
11 governmental agencies that look at this stuff just as  
12 vigorously as we do, on all of the issues that have been  
13 raised in the discourse on this particular permit.

14 And the -- I think some of the engineering and  
15 design features are also -- I think notably are -- either  
16 meet the existing standards or they exceed the existing  
17 standards.

18 Now, I want to say this. I do sympathize with  
19 and commend all of those here, those with the North Valley  
20 Coalition and everybody with the city and county who are  
21 fighting to move the city and county away from landfilling  
22 and to ensure public health and safety. I mean that's  
23 enlightened self-interest and I applaud it and we all do.  
24 This Board aggressively embraces those pursuits each and  
25 every day. I mean the length and the amount of attention

1 given to this permit, notwithstanding, you know, the  
2 amount of time that we spend on finding alternatives to  
3 landfilling and finding ways to keep material out of  
4 landfills I would say probably dwarfs, you know, what we  
5 do on all the other things.

6           And I think we are in a bit of an awkward period  
7 in California right now. We've demonstrated that we have  
8 the capability to divert a massive amount of our generated  
9 waste from landfills, and yet we're still, you know, not  
10 quite at that point where we can wean ourselves entirely  
11 of landfills.

12           So I mean we still need landfills and I think  
13 that those who operate them responsibly and above board  
14 are providing a service. And I think the applicant in  
15 this case have fulfilled their obligations. And I think  
16 that any objective look at the record would show that the  
17 degree of review and verification at all levels is pretty  
18 overwhelming.

19           So with that, I'll move adoption of -- is it  
20 still 2007-20? -- as revised, yes.

21           BOARD MEMBER MULÉ: Second.

22           BOARD MEMBER CHESBRO: My only comment, Madam  
23 Chair, would be to say that the -- to commend those who  
24 monitor and oppose and watchdog, because I think they've  
25 had a significant impact on how this landfill is designed

1 and operated. There clearly are extraordinary features  
2 that go well beyond the minimum necessary standards,  
3 because of the fact that the operator or the LEA, this  
4 Board and this Board's staff and the Water Board all are  
5 aware of the public concerns about the landfill. And so,  
6 you know, I think it's very, very important that the  
7 public, as Board Member Danzinger said, in enlightened  
8 self-interest continue to look out for the neighborhood.  
9 And if this was my neighborhood, I'd be doing the same  
10 darn thing.

11 CHAIRPERSON BROWN: Agreed. Thank you.

12 It's been moved by Member Danzinger and seconded  
13 by Member Mulé.

14 Kristen, can you call the roll.

15 EXECUTIVE ASSISTANT GARNER: Chesbro?

16 BOARD MEMBER CHESBRO: Aye.

17 EXECUTIVE ASSISTANT GARNER: Danzinger?

18 BOARD MEMBER DANZINGER: Aye.

19 EXECUTIVE ASSISTANT GARNER: Mulé?

20 BOARD MEMBER MULÉ: Aye.

21 EXECUTIVE ASSISTANT GARNER: Brown?

22 CHAIRPERSON BROWN: Aye.

23 Okay. Just to give everybody a snapshot of what  
24 we've collectively up here discussed as far as remainder  
25 of time. We'd like to take up Agenda Item 14, seeing that

1 our consultant, Eric Douglas, is here. And then at the  
2 conclusion of that agenda item we will take a break for  
3 lunch. Depending on the time will determine how much time  
4 we'll take for lunch. 30 to 45 minutes, if that's an  
5 incentive for anybody. And then we'll take up the  
6 remainder of the full Board items following a short lunch  
7 break.

8 So we'll move next to Agenda Item 14. There were  
9 some changes from our Strategic Policy Development  
10 Committee that were circulated to Board members and posted  
11 on the web.

12 And there's a couple of things that I noticed  
13 that I'd like to change. And probably the easiest thing  
14 here is to go through them quickly and see if there's  
15 consensus up here to do that.

16 And then we have three people who would like to  
17 address the Board on agenda Item 14.

18 So if we could start on -- and actually I'd like  
19 to invite everybody to speak up as we go through them with  
20 the changes that were made. I'm only going to make  
21 changes to where I think it needs to be.

22 SD-1, purpose. We added some language regarding  
23 the hierarchy and the Global Warming Solutions Act. In  
24 the vision we added greenhouse gas reduction.

25 SD-3, we changed minimal waste to minimized waste



1 and added some language regarding our hierarchy and the  
2 Global Warming Solutions Act. I'd like to suggest one  
3 change in SD-3.6, I believe. Where it says, "seek  
4 legislation by September of 2008," I'd like to substitute  
5 the word "legislation" for the words "statutory change".

6 So it would read, "seek statutory change by  
7 September 2008 to develop a timely and accurate compliance  
8 measurement system."

9 And I will be suggesting that change for the word  
10 "legislation" throughout the strategic directives if  
11 everybody is okay with that.

12 BOARD MEMBER MULÉ: That's fine with me.

13 CHAIRPERSON BROWN: Okay. Then in SD-4 we did  
14 some changes. And the last bullet point was to mirror  
15 2296. So I'm assuming the addition of those two words  
16 mirrors -- or those two phrases, "long-term post-closure  
17 maintenance" and "corrective action". At the Committee  
18 meeting we discussed taking out the last line, starting  
19 with "based on the findings."

20 So I think without objection we can just strike  
21 that line, in SD-4 the final bullet point, to make it  
22 mirror the legislation. And as we move through this  
23 review, we'll actually go back to that and...

24 In SD-5, bullet point 2, there's another change  
25 of legislation to read, "Seek statutory authority to

1 foster cradle-to-cradle producer responsibility."

2           Then in bullet point 3, I'd like to substitute  
3 the word -- in the new phrase including "during" the  
4 product design phase rather than "in".

5           SD-6 we changed and added the hierarchy and  
6 Global Warming Solutions Act in the preamble. So that's  
7 good.

8           As we get to SD-7, I think we had a little mix up  
9 because we've talked a lot about the -- I think we talked  
10 a lot about it. We talked about combining bullet point 2  
11 and 3. Member Mulé had suggested some changes to bullet  
12 point 2 and member Chesbro had suggested a bullet point 3,  
13 and we discussed combining the two of them to make one,  
14 which could read, starting with bullet point 2, "Ensure  
15 effective and appropriate outreach and assistance to all  
16 jurisdictions and state agencies, focusing resources on  
17 regions where there will be the greatest impact on overall  
18 diversion." Then we discussed wanting to make sure to add  
19 "resources will be allocated based on need especially in  
20 small and rural jurisdictions that face unique  
21 challenges."

22           If that works, I think it characterizes the  
23 intent of both. If that makes sense or -- This was your  
24 addition, Senator, so --

25           BOARD MEMBER CHESBRO: I agree with you, Madam

1 Chair, that we had intended to combine the two and not  
2 have them be duplicative. Because the way it's drafted  
3 here, it's repetitive. But I do think that the full  
4 sentence of the second -- or the third bullet should be --  
5 it should -- "for assistance aimed at local jurisdictions  
6 carrying out mandates that all jurisdictions must comply  
7 with." I think that's an important point and that needs  
8 to be part of it.

9           So I would agree with you about combining the  
10 two. But rather than starting part way through the  
11 sentence, I would prefer that the whole sentence  
12 be included.

13           CHAIRPERSON BROWN: Okay. I'm good with that.

14           I was struggling on that one, so I appreciate  
15 that.

16           Okay. So we will use -- go from "greatest impact  
17 on overall diversion," and then the second sentence will  
18 be "for assistance aimed at local jurisdictions," and use  
19 that entire second sentence. And is that -- those two  
20 will be combined for one bullet point. So there will be a  
21 total of two bullet points under SD-7.

22           In SD-8, bullet point 6, substitute the word  
23 "legislative" authority for "statutory" authority. It  
24 more clearly defines it. And the same in the next bullet  
25 point, additional statutory authority. And then there was

1 a suggestion to change in that bullet point I think it's  
2 Item 8, "seek additional statutory authority by September  
3 2008 to reject incomplete and incorrect applications and  
4 provide effective and timely review for CIWMB of all  
5 proposed permits."

6 BOARD MEMBER MULÉ: That's fine.

7 CHAIRPERSON BROWN: Okay. And then in SD-9,  
8 since we added -- I think we talked about adding the  
9 hierarchy and the Global Warming Solutions Act in several  
10 different spots. And I like the repetitiveness because it  
11 talks about our priorities. And it actually shows that  
12 each SD will stand alone independent of the other ones as  
13 well as be a body.

14 But in bullet 1 I'd like to discuss the addition.  
15 And I'm -- I think once we added it to the preamble, it's  
16 maybe not necessary in the addition. And I'd like to keep  
17 what was deleted. So that it would go back to "Develop a  
18 focused process to coordinate research activities that  
19 support utilizing" -- oh, "support CIWMB's purpose and  
20 vision utilizing basic research, applied research, and  
21 technology transfer."

22 BOARD MEMBER MULÉ: Thank you, Madam Chair, if I  
23 could. I had the same concern on that. I for one don't  
24 want to limit our research to just source reduction and  
25 recycling, since there are a number of issues with our

1 current waste management system that, you know, we need to  
2 address. So it's -- I question -- when I saw the revised  
3 version, I questioned why were we limiting our research to  
4 source reduction and recycling. So I agree with you to  
5 delete that and go back to the original wording.

6 Thank you.

7 CHAIRPERSON BROWN: Senator.

8 BOARD MEMBER CHESBRO: Well, I just want to point  
9 out that the hierarchy does include everything. It just  
10 sets up priorities. It doesn't preclude other items on  
11 the hierarchy. So I mean I think it's sort of the guiding  
12 principle, but it doesn't say that -- I mean I would never  
13 interpret that as saying you can only spend resources on  
14 waste prevention.

15 CHAIRPERSON BROWN: Well, the reason I brought it  
16 up is we added it to the preamble of what our core value  
17 is. So it's discussed in the core value statement, and  
18 these are actually individual activities. So I'm just  
19 thinking it's repetitive to mention it again in a focused  
20 activity, since this overarching theme is to use the  
21 hierarchy and global --

22 BOARD MEMBER CHESBRO: Well, as a matter of style  
23 I don't have any problem with that. But I think it's  
24 important to point out that the preamble does -- you know,  
25 does state that that's the way we set priorities.

1           CHAIRPERSON BROWN: Um-hmm, okay.

2           Those are my only changes.

3           BOARD MEMBER CHESBRO: Madam Chair?

4           CHAIRPERSON BROWN: Do you have others?

5           BOARD MEMBER CHESBRO: I hesitate to bring  
6 anything up because I think you were also gracious in  
7 letting me get on the train just as it was arriving at its  
8 destination.

9           CHAIRPERSON BROWN: We didn't take it to the  
10 station yet.

11          BOARD MEMBER CHESBRO: So I hesitate to bring  
12 anything up. And so the way I'm going to bring these two  
13 items up is not to modify this but to say let's have  
14 further discussions about these items.

15          CHAIRPERSON BROWN: Okay. Great.

16          BOARD MEMBER CHESBRO: Just keep them open.  
17 Because I think you described it previously as a working  
18 document that really is not cast in concrete.

19          And the two areas that I still have some interest  
20 in us doing further work and perhaps asking staff to work  
21 with the Board on are -- we had some discussion in the  
22 markets item about the appropriateness of 50 percent  
23 diversion of organics by 2020, whether that was  
24 sufficiently ambitious or not. And rather than having  
25 that discussion again, I would just raise the question of

1 whether it's based on any real facts or knowledge. And so  
2 asking perhaps staff to work with the Board to try to  
3 determine what is the -- and it's hard to set goals  
4 because the 50 percent goal was -- originally was just,  
5 "that sounds good. Let's go for it." It was worked out  
6 politically. It wasn't based on any factual basis. But  
7 to the extent we can ask people who know a lot about  
8 organics on our staff and elsewhere what they think is a  
9 reasonable goal and -- and I'm not asking we change this  
10 today. I think we go ahead and adopt it. But that we  
11 just ask for a further examination of that number, and  
12 possibly modify it if the feedback we got was that it  
13 could be more ambitious or it's too ambitious.

14 CHAIRPERSON BROWN: I completely agree.

15 BOARD MEMBER DANZINGER: I couldn't agree more.  
16 I think in fact that what you're suggesting is a natural  
17 part of the ongoing discussion and exploration of organics  
18 anyway.

19 CHAIRPERSON BROWN: Exactly.

20 BOARD MEMBER DANZINGER: So I think it's  
21 essential.

22 CHAIRPERSON BROWN: Well, the process for these  
23 is that we take one up at a time. And maybe the  
24 appropriateness of that subject matter at this time means  
25 that this is the one that we will take up first. And

1 we'll do a thorough analysis and presentation and a policy  
2 discussion, invite in speakers and staff and really dig  
3 deep on the policy and analyze whether the number is --  
4 sounds --

5 BOARD MEMBER CHESBRO: One of the questions  
6 being, is this an appropriate number? Is there a better  
7 one?

8 CHAIRPERSON BROWN: Exactly.

9 BOARD MEMBER CHESBRO: And then the second one --  
10 and we went round and round about this. So again I don't  
11 want to try to resolve it here. But there were pros and  
12 cons to embedding the global warming climate issue  
13 throughout or having a separate bullet. And my fear about  
14 just -- about spreading it around is that there isn't  
15 enough -- I mean I would like us to have one of those  
16 sessions the global warming issue. So without asking that  
17 a bullet be point in at this point, I would ask for a  
18 continued effort to determine and perhaps bring those  
19 activities together in a bullet to be considered at a  
20 future board meeting.

21 CHAIRPERSON BROWN: Okay. That's an excellent  
22 suggestion.

23 BOARD MEMBER CHESBRO: So those would be my two  
24 prospective proposals to include in our motion today.

25 CHAIRPERSON BROWN: Okay. Great. No, I'd



1 concur. And I believe I've heard concurrence with  
2 everybody.

3 So we now have our marching orders on the order  
4 of review, Mark, for these first couple of strategic  
5 directives, and my agenda for the next couple months of  
6 the Strategic Policy Committee.

7 Are there any other changes from Board members?

8 We do have three speakers. So let me invite up,  
9 first, Chuck Tobin from Burrtec.

10 MR. TOBIN: Madam Chair, members of the Board.  
11 I'm Chuck Tobin with Burrtec Waste. First, I'd like to  
12 thank you for approving our agenda item pertaining to the  
13 Robert A. Nelson transfer station for the expansion of  
14 that facility.

15 I'm just going to leave -- I've written on  
16 previous occasions some e-mails pertaining to some of  
17 these topics. So I'm just going to leave with this your  
18 person here.

19 CHAIRPERSON BROWN: Thank you.

20 MR. TOBIN: But in our discussion there were  
21 three things that we wanted to bring special attention to  
22 that you might want to consider further. And as I  
23 understand it, this is an ongoing process. So just add to  
24 the pile, so to speak.

25 The first is the question of recycling at

1 landfills or landfill recycling. Again, whether the glass  
2 is half full or half empty, the point is still half of it  
3 ends up in those locations. And I think it's well timed  
4 that we develop a program to investigate, first, what is  
5 going on in the land fills in terms of the recycling  
6 activities, and then to look at how those activities can  
7 be expanded and brought to greater fruition.

8           We've embarked on such an enterprise in San  
9 Bernardino County where we're also the landfill operator  
10 there. And as part of our recent negotiations the county  
11 real wanted to put an emphasis on landfill recycling.  
12 However, there are some daunting challenges, as you might  
13 suspect, to being able to do that.

14           On the other hand, it is extremely gratifying to  
15 be able to see that materials, that as we all stand out  
16 there and watch those great big pieces of yellow iron push  
17 things into a setting that will be gone forever. And yet  
18 we know that someone somehow should have retrieved that  
19 material, well, it's -- we've at least started on that  
20 process.

21           So we would add that topic of land -- or ask you  
22 to add that topic of landfill recycling and take a look at  
23 that in terms of a generic or a global point of view.

24           In a similar manner, we'd like you to consider  
25 looking at recycling technology -- an assessment of

1 recycling technology in the conventional sense. AB 939,  
2 one thing that it did is that it drove the technology, it  
3 drove it in terms of automated collection. But it also  
4 drove it in terms of processing, the manner in which that  
5 we do processing.

6           Processing equipment now has become much more  
7 capital intensive. It has far less of a labor component  
8 in it. It's attempting through a number of devices to be  
9 able to reach deeper into the mixed waste stream. But  
10 once again you have, if not practical limits, you have at  
11 least concerns that arise when you try to do that.

12           And I think again your board should look at --  
13 you spend a lot of time and effort on CT, which is well  
14 and appropriate. But I think you also -- you need to go  
15 back and look at the conventional recycling technology,  
16 the way that it's being used or how it's going to -- how  
17 it potentially can be rolled out.

18           One of our major concerns is in southern  
19 California. I'm not aware the number of facilities that  
20 have been permitted there. We do not see any new or  
21 additional facilities except for maybe one or two that are  
22 proposed in all of southern California. And that means  
23 that existing set of facilities are going to have to be  
24 able to handle whatever may happen in the future. And if  
25 the objective, if the -- whichever half it is, is to

1 divert from landfill, that means that those facilities  
2 will be the ones that will have the primary charge to be  
3 able to process materials. And yet we don't quite know  
4 what the overall story is in terms of that technology.

5 I can tell you one thing. It's very, very  
6 expensive. And so that's an issue that needs to be  
7 considered in that context.

8 And then, finally, what we hear in our  
9 jurisdictions, an idea is some kind of statewide recycling  
10 scorecard, something that allows, you know, if not the lay  
11 person, at least the recycling coordinators to see how  
12 this question of -- for all the jurisdictions statewide  
13 where are we in terms of single stream, where are we in  
14 terms of multi-family, where are we in terms of -- just a  
15 user friendly, you know, add them all up, you know, out of  
16 the -- I don't even know how much jurisdictions there are  
17 now. What, 300? Whatever there are.

18 You know, are we 200 out --

19 CHAIRPERSON BROWN: Nearly 300 is pretty close.

20 MR. TOBIN: Yeah, something on that order.

21 You know, where are we? And that kind of, just a  
22 quick kind of scorecard.

23 CHAIRPERSON BROWN: 500.

24 MR. TOBIN: 500? All right, so there we go.

25 In any event, those are three ideas we hope

1 you'll give further consideration to. Again, we certainly  
2 appreciate your attention and we appreciate your approval  
3 of our permit.

4 Thank you.

5 CHAIRPERSON BROWN: Thank you very much. I  
6 appreciate it, and your comments. I'm taking notes.  
7 Thanks, Chuck.

8 Okay. The next is Evan Edgar.

9 Lumber, C&D.

10 MR. EDGAR: Madam Chair, Waste Board members. My  
11 name's Evan Edgar. I'm the engineer for the California  
12 Refuse Removal Council.

13 We appreciate this living document. We're glad  
14 to see it here today. I testified last week in Committee  
15 and we talked about SD-6 about market development. This  
16 plan is called the plan before the ban. And we appreciate  
17 a phased approach or looking at diversion of organics from  
18 the waste stream.

19 I'm not here today to talk about the number or  
20 the date. We're going to take this back to CRRC over the  
21 next couple months and discuss this among our membership  
22 and discuss it between our facilities and what is a good  
23 percentage and what is a good number and what date and how  
24 aggressive it should be. So we appreciate the leadership  
25 on addressing some type of plan before our ban.

1           But as part of my testimony last week, I looked  
2 at what was a definition of waste characterization. And  
3 under organics, under SD-6, bullet number 1, it continues  
4 to mention that organics as defined in a waste  
5 characterization study. And that's from 2003. If you  
6 look at that study, it's focused on food and grass  
7 clippings, and composite organics and such, which is good.

8           But if you look at the '03 waste characterization  
9 study, it has a whole another line item for paper. And  
10 I'm sure that's some low grade paper that can't go to the  
11 higher and better uses, it can go to the different types  
12 of diversion that is ending up in landfills today.

13           But the biggest component under the C&D component  
14 is lumber. And we had -- a waste characterization study  
15 was approved for '07-'08, and we discovered last week in  
16 committee that the number 2 item after food waste --  
17 you've got 6 million tons of food waste still going in the  
18 landfills in '03 -- you've got 4 million tons of lumber  
19 still going into the landfills in '03. And that's  
20 dimensional lumber. And about 10 percent of it is treated  
21 and nonusable. But 90 percent of it is lumber that the  
22 Governor has already staked out an executive order of  
23 accelerating the renewable portfolio standard by 350  
24 megawatt by 2010, which delivers another 2.5 million tons  
25 of wood chips that we need to divert from landfills to

1 feed the RPS. Where will the wood chips come from? It  
2 comes from the landfill.

3 I'm sure there's great landfill technology out  
4 there with regards to go on Google and you can find great  
5 studies on landfill capture rates of going 70, 80, 90  
6 percent for landfill gas that's out there.

7 I'm sure you can find studies about lignin in  
8 lumber and landfills could be sequestered. And I'm sure  
9 people are going to talk about sequestering lumber and get  
10 AB 32 carbon credits. I'm sure people will try to do  
11 that.

12 So I guess the policy discussion we're going to  
13 have at CRRC and bring back this quarter is: Do we  
14 promote incentives for green landfills that sequester  
15 carbon or do you promote green energy and divert those  
16 wood chips through a MRF first in order to meet the  
17 Governor's action plan? Those are good questions. This  
18 is a living document. This is a year of lumber and we're  
19 going to have a good debate about it.

20 Thank you.

21 BOARD MEMBER DANZINGER: Can I ask --

22 CHAIRPERSON BROWN: Yes, go ahead.

23 BOARD MEMBER DANZINGER: Well, I just want to ask  
24 a quick question.

25 So in SD-6, are we envisioning that that focus on

1 organics is just compostable organics? Or does it take  
2 in -- somebody correct me here -- the broader, higher  
3 percentage when you include all carbon-based organics?  
4 Which paper comes under that, right? And all these -- so  
5 when you take it to carbon-based organics, you're now  
6 talking about anywhere from 65, 70 percent of the waste  
7 stream.

8               So I -- you know, you've raised this point  
9 before. I don't know why it just resonated with me. So  
10 when we move forward in this SD-6, are we moving forward  
11 with a focus right now on the compostable organics or are  
12 we broadening it all the way to the -- all the  
13 carbon-based organics, which I'm sure introduces another  
14 range of issues and end uses and processes and all that.

15               CHAIRPERSON BROWN: My recollection of the  
16 discussion when this was developed was all organics.

17               BOARD MEMBER DANZINGER: All organics. Okay.

18               CHAIRPERSON BROWN: All organics, including C&D  
19 and lumber.

20               I think Evan raises a valid point though. If  
21 we're noting organics as defined in the waste  
22 characterization study, we want to make sure that it  
23 reflects what the Board's intention is, which is all  
24 organics in the waste stream.

25               So I'll actually defer to Mark. Should we strike



1 the paren in that item to take out "as defined" so that  
2 there is no --

3 BOARD MEMBER DANZINGER: Yeah, no cramping of the  
4 category.

5 EXECUTIVE DIRECTOR LEARY: I agree with you,  
6 Madam Chair, that my recollection is this is viewed in the  
7 broadest of senses. So to the extent that that  
8 parenthetical limits our consideration, it should be  
9 struck.

10 CHAIRPERSON BROWN: It will be easier to comply  
11 with early on if we take the low hanging fruit first.

12 EXECUTIVE DIRECTOR LEARY: Amen.

13 CHAIRPERSON BROWN: Okay. So why don't we strike  
14 the paren so that it doesn't limit us to just compostable  
15 organics but gives us the broader sense of the organics as  
16 we intended, which is all C&D, food waste, all of the  
17 millions of tons.

18 BOARD MEMBER DANZINGER: And I think that also  
19 intensifies the need to get a handle on what Board Member  
20 Chesbro was referencing, you know, in terms of what is --  
21 because 50 percent of 70 percent of the waste stream is a  
22 far cry from, you know, 33 percent of the waste stream.  
23 So --

24 CHAIRPERSON BROWN: Right. It's the plan before  
25 the ban, which is a great policy discussion that will be

1 ongoing.

2 BOARD MEMBER CHESBRO: Well, I believe that's  
3 removing an amendment that I introduced last week. But,  
4 again, in the interest of moving this thing, since you've  
5 put it first on the list for us to discuss, I'll consider  
6 it an open topic for us to discuss as we try to begin to  
7 implement the thing. So I'm not going to -- again I  
8 want...

9 CHAIRPERSON BROWN: We're not eliminating the  
10 full bullet, just the reference to the "as defined in the  
11 waste characterization study." We can define "organics,"  
12 but then we get back into --

13 BOARD MEMBER MULÉ: Yeah, I think if we just  
14 delete it --

15 BOARD MEMBER CHESBRO: No, that's fine.

16 BOARD MEMBER MULÉ: -- because, yeah, it broadens  
17 the -- yeah, I think that's what you're saying, Board  
18 Member Chesbro, is you want the category broadened.

19 BOARD MEMBER CHESBRO: That's correct. Thank  
20 you.

21 BOARD MEMBER MULÉ: Right.

22 BOARD MEMBER CHESBRO: I would like to say to  
23 Evan that I think he needs a -- and I say it in all  
24 seriousness -- he needs a little competition in the catchy  
25 phrase area. So I've coined a new nickname for Evan and,

1 that is, Ever Eager. From now on I'm going to call you  
2 Ever.

3 BOARD MEMBER DANZINGER: Same number of syllables  
4 too.

5 MR. EDGAR: Thank you. I'm forever eager like a  
6 beaver. And we got 4 million tons of wood.

7 Thank you.

8 CHAIRPERSON BROWN: Are you referring to you're  
9 going to chew on it?

10 (Laughter.)

11 CHAIRPERSON BROWN: Okay. We have -- next  
12 speaker is Gary Liss.

13 MR. LISS: Madam Chair, members of the Board.  
14 Thank you for the opportunity to speak here today. I'm  
15 Gary Liss of Gary Liss and Associates. And I'm presenting  
16 on the issue of language about zero waste in the strategic  
17 directives.

18 I had been focused on the producer responsibility  
19 language last week in commenting before you in the  
20 Committee. But talking with staff afterwards, finding out  
21 how the directives are related to the strategic plan of  
22 2001, and that these directives really reflect your  
23 priorities even though it's not necessarily eliminating  
24 the strategic plan. I was very concerned to realize that  
25 there's no references to zero waste in there. And in the

1 2001 strategic plan discussions, there had been discussion  
2 about including in the vision statement the vision of the  
3 Waste Board is a zero waste California. And the simplest  
4 thing that I'm asking you to do is to consider making that  
5 substitution and that would suffice if that's all you  
6 wanted to do.

7 I have suggested specific language for a 13th  
8 lucky number of strategic directive for zero waste. In  
9 that, I built on the language that was defined in the  
10 definition of zero waste by the Zero Waste International  
11 Alliance, saying that zero waste is a core value to  
12 eliminate waste whenever possible using a systems  
13 approach, et cetera, et cetera, as you see in the handout.

14 And specifically the types of things that are  
15 being suggested as bullet items are things that the Global  
16 Recycling Council and many others have asked the Waste  
17 Board to do since 2001, but have not been implemented and  
18 specifically encouraging communities to go beyond the AB  
19 939 50-percent diversion goal. Not require them to; just  
20 ask. And it's amazing the power of asking. It's called  
21 governance. When I worked for the U.S. Conference of  
22 Mayors, they taught us that governance is one of the most  
23 powerful tools that government has. Just asking makes a  
24 huge difference.

25 And so what we're saying is ask communities to

1 adopt zero waste goals and to plan for them, ask  
2 businesses to adopt zero waste goals and plan for them.  
3 And then have your office of local assistance and office  
4 of business assistance, as they develop more capability to  
5 work with communities and work with businesses, to have  
6 them -- for those communities that have adopted zero  
7 waste, to work with them to figure out how to achieve  
8 those goals. So that's basically the idea of the 13th  
9 strategic directive.

10           The simplest thing given the 11th hour here would  
11 be change your vision statement to be a zero-waste  
12 California and be done with it if you don't want to get  
13 into the details of the suggested strategic directive.

14           But I urge you, do not adopt the strategic  
15 directives without zero waste addressed somewhere. It  
16 would be a serious step back. And just as an example,  
17 when I worked on the World Summit on Sustainable  
18 Development in Johannesburg, we lobbied them to have it be  
19 a zero-waste event. There were two major venues. One  
20 venue they had a huge effort to green the conference  
21 because the Rio conference in 1992 had been panned by the  
22 media as being this big environmental conference producing  
23 incredible amount of paper and waste that nobody had  
24 thought about. So they were determined to green the  
25 conference in Johannesburg for the world summit. So they

1 had this Greening of the Conference Committee. But we got  
2 them to say, "Okay, one of the venues, your team can work  
3 on zero waste and the other team will do the greening of  
4 the conference guidelines." The greening of the  
5 conference guidelines led them to divert 25 percent of all  
6 the waste created at the event. Remarkable. The  
7 zero-waste team diverted over 75 percent. Their goal was  
8 90 -- 80 to 90 percent, but they achieved 75. And it was  
9 because they had the goal in mind, they looked deeper,  
10 they looked further, they looked at different places, they  
11 substituted things, they eliminated waste from being  
12 created.

13           The power of zero waste is incredible. The fact  
14 that you have had zero waste in the strategic plan has  
15 empowered those communities in California to be able to  
16 cite that when they go to adopt zero waste at the local  
17 level.

18           We urge you to include zero waste in the  
19 strategic directives in some way. And hopefully you've  
20 gotten some other e-mails and letters in the short time  
21 I've had to generate some support for that.

22           I'd be happy to answer any questions or comments  
23 on that subject.

24           CHAIRPERSON BROWN: Thank you, Gary.

25           Any questions?

1           No questions.

2           I appreciate the work that you've put into this  
3 and your hard work over the last week since our last  
4 week's meeting. Would like to take this under  
5 consideration for as we move forward in adopting new and  
6 reviewing new potential direction directives. When we  
7 develop them, they need to be structured in such a way  
8 that it directs staff to specific measurable goals, which  
9 these -- I understand we just need to ask. But in policy  
10 governance we need to set achievable goals.

11           So we will take these under consideration and  
12 work on them to incorporate the ideals of zero waste into  
13 the directives as we move forward. And I appreciate your  
14 hard work in this.

15           I'm not prepared to change our vision statement  
16 at this time. But as we review them, and we review each  
17 of the strategic directives, rest assured, Gary, that will  
18 be part of the discussion. And we'll keep your notes and  
19 information as we start reviewing SD-1, 2 and 3. We will  
20 take that under consideration. Zero waste is part of the  
21 Global Warming Solutions Act and it is our goal in AB 32  
22 to achieve a zero waste California. So although, as  
23 member Chesbro said, it's not emphasized enough in here,  
24 we are going to work towards incorporating more of AB 32  
25 and the Global Warming Solutions Act in specific

1 throughout these directives as we review them. So we'll  
2 continue to work on that.

3 We do have a couple more speakers. The next one  
4 is Chuck White.

5 MR. WHITE: Thank you Madam Chair, members of the  
6 Board. It's always difficult to follow my friend Gary  
7 Liss. It always reminds me of the Warren Zevon song some  
8 years ago, Excitable Boy; along the same lines as Mr.  
9 Chesbro's comments on Ever Eager Edgar.

10 In any event, I'm here to support what you're  
11 doing. These objectives -- the strategic objectives are  
12 great. We submitted some comments late last week when we  
13 saw this thing going forward. We really liked the  
14 inclusion of the greenhouse gas objectives and the strong  
15 language throughout. We think that's really important.  
16 We support the changes that you've suggested today. We  
17 like the idea that Member Chesbro -- Senator Chesbro  
18 suggested a further discussion on organics diversion of  
19 greenhouse gases and even zero waste.

20 The only one point I bring up on this, with some  
21 jeopardy probably to myself and Waste Management, is the  
22 issue that's under the SD-3, Minimized Waste, item number  
23 4, which increases the annual waste tire diversion rate 90  
24 percent by 2015.

25 I'm not asking or suggest you change this in any



1 way. Of course it's the highest and best use for tires.  
2 But the truth is that Waste Management does operate -- or  
3 we'll be seeking to operate two facilities I'd like to  
4 think of as the repository for tires. One is the Azusa  
5 facility. And then sometime, potentially later this year,  
6 we may come to you with the California asbestos monofill  
7 permit depending on how the local permitting process goes.  
8 They would also seek to get a permit for as a repository  
9 for tires.

10 And all I'm suggesting is for those tires that  
11 cannot be diverted or pulled out of the waste stream for  
12 higher and better beneficial use, I believe the Board  
13 still wants to ensure that there's our safe repository  
14 that fully meet your standards, your regulations for those  
15 tires that cannot find a beneficial use.

16 And so I'm just hoping that at some point in time  
17 when we come back for a renewed permit for Azusa or we  
18 come for a new permit for the CAM facility seeking safe  
19 and secure repository for tires, that somehow this isn't  
20 used as a reason to limit or exclude the permitting of  
21 these facilities in any way, shape or form, so as to  
22 provide a safe repository for tires.

23 So I'm here just to mention this as an aside, not  
24 to ask any change. I think it's a laudable goal to divert  
25 90 percent of tires. But whether or not that 90 percent

1 is achieved, for that portion that is not diverted you  
2 still want to have a Safe and secure repository for those  
3 tires.

4 Thank you very much.

5 CHAIRPERSON BROWN: Great. Thank you, Chuck, for  
6 your comments. Appreciate that.

7 Anybody have any questions?

8 Okay. Our next speaker, Mike Mohajer.

9 MR. MOHAJER: Good afternoon, Madam Chair,  
10 members of the Board. My name is Mike Mohajer. I'm  
11 representing myself, not representing any government or  
12 private organization, for the records.

13 I've been coming before this Board going back in  
14 late eighties. Not that I'm that the old. And when I  
15 looked at this -- your mission and the statement that  
16 you're -- this item, it really made me feel warm. And I  
17 was sitting back there. I wasn't going to speak about it.  
18 But it is something that finally after all these years so  
19 that it's maybe -- I don't want to say that it's going to  
20 happen, but at least it looks pretty darn good.

21 I like -- very specifically, I liked the vision  
22 statement, that that's really something that it makes  
23 sense.

24 Moving down under the SD-3, the item 6, this is  
25 something that you want to measure the compliance -- it's

1 something that you can really measure that makes sense  
2 that I've been pursuing since 1990. So finally it may  
3 happen. But it may not happen till I have totally  
4 decomposed and caused more greenhouse gases.

5 (Laughter.)

6 MR. MOHAJER: I like the SD-4, item 4, when it  
7 talks about the corrective action for landfills. That is  
8 very critical. And there are many landfills, at least in  
9 the area that I live, that they have leaked and they have  
10 closed and they have filed bankruptcy and the local  
11 government gets stuck with doing the cleanup costs because  
12 it's a deep pocket and that always happens. So I really  
13 like that item 4.

14 SD-5. This is another fantastic hopefully is  
15 going to move forward.

16 Item 6, what now former Senator Chesbro and a  
17 board member stated, I like the idea that I've been  
18 promoting don't ban without a plan. And I think we are  
19 moving in that direction. At least what Mr. Chesbro says,  
20 let's see, look at the markets. Can we go to 30 to 50  
21 percent compound for organics?

22 And ultimately going I think to the SD-9, talking  
23 about the new technologies and -- at least that's the way  
24 I read to it, I hope, if I'm reading it correctly.

25 And so overall I want to congratulate the Board

1 and also the staff and everybody, all the stakeholders  
2 that have been working on this. And as I said, it really  
3 made me feel warm. So I'm sorry for taking your time, but  
4 I just couldn't let it go.

5 Thank you.

6 CHAIRPERSON BROWN: Thank you, Mike. I  
7 appreciate it.

8 Any other questions?

9 I do have one other -- in SD-6, bullet 4, there's  
10 one change, from "seek legislation" to "seek statutory  
11 authority" on that one as well.

12 And I think that covers all the changes on that.

13 BOARD MEMBER CHESBRO: I'll move it.

14 BOARD MEMBER DANZINGER: Have we done -- you  
15 know, before -- this is --

16 CHAIRPERSON BROWN: There's a motion on the  
17 floor.

18 BOARD MEMBER DANZINGER: Oh.

19 CHAIRPERSON BROWN: I'm just kidding.

20 (Laughter.)

21 BOARD MEMBER DANZINGER: No, I just -- I mean --  
22 no, I think we've commented on this before, all of us.  
23 This is the culmination of -- I don't know. How long have  
24 we been working on this?

25 BOARD MEMBER MULÉ: Since May.

1           BOARD MEMBER DANZINGER: Since May. So we're  
2 finally adopting these. And actually it's happened a lot  
3 quicker than I thought it would. I think it's probably  
4 happened a lot faster than it has for just about any other  
5 government entity that's ever existed.

6           I want to thank Eric for his role in it. And  
7 I've said this before too. I thoroughly enjoyed this.  
8 This was a great exercise. I think it was made possible  
9 in large part by the support of staff and the collegiality  
10 among the Board members. I mean there was a lot of give  
11 and take. There was far more agreement than disagreement.  
12 But even the disagreement found its way to a productive  
13 end. And certainly the stakeholder input informed the  
14 process and we ended up with a better product, which is  
15 again another hallmark of how this organization operates.

16           And I want to thank our Chair. Just a fantastic  
17 job. I think it demonstrates one of the skill sets that  
18 you bring to the Board. Because, you know, if you read  
19 this, I think it does read a little differently from a lot  
20 of more conventional strategic, you know, plans and  
21 mission statements and stuff like that. It's a little bit  
22 more reader friendly, user friendly. I think it's a  
23 little bit more human. And certainly there's a little bit  
24 more accountability built into it instead of a bunch of  
25 self-serving rhetoric. So I think it's a much better

1 product, and I thank you for your leadership on this.

2 So now I'm going to step aside. Whoever was  
3 making the motion can make the motion.

4 BOARD MEMBER CHESBRO: Well, I touched on it  
5 earlier. But, Madam Chair, I want to also -- again wanted  
6 to reiterate my thanks to you and the -- I was a little  
7 nervous arriving at the tail end of this process and  
8 having some opinions, not knowing how fair you would think  
9 that was. And you have been very gracious listening and  
10 incorporating my concerns. So I appreciate that. Thank  
11 you.

12 CHAIRPERSON BROWN: You're welcome.

13 BOARD MEMBER MULÉ: And, Madam Chair, before I  
14 second the motion I want to also thank you, thank Eric for  
15 all of your work, Mark and Julie and Elliot for sitting  
16 with us through those long meetings that we all  
17 participated in.

18 I just want to say for the record, this was an  
19 excellent, it was a great process for all of us. I think  
20 we all learned a lot about the organization, the people  
21 that work here, the commitment of the people that work  
22 here. But I think we also learned a lot about ourselves  
23 and what's important to us.

24 And last, but not least, of course I want to  
25 thank you, Madam Chair for your leadership on this. As I

1 mentioned before, we were struggling with a previous board  
2 on how to structure this -- the Board and get some focus  
3 and priorities and directions to the organization. And I  
4 think that this model has really proven to be the way to  
5 go.

6           So with that, I'd like to second the motion.

7           CHAIRPERSON BROWN: Okay. It's been moved by  
8 Member Chesbro and seconded by Member Mulé.

9           I'd like to acknowledge that Gary's not here but  
10 know that he is very supportive of the process.

11           And I will have to echo what everybody up here  
12 has said. This has been an educational process for all of  
13 us, and I think it's empowering to not only the Board  
14 members but the staff to have a direction and a road map  
15 to where we're going to go in the future or at least set  
16 out.

17           And as we've discussed, it's a living document.  
18 But what does that really mean? It means every single  
19 month, or every other month, we will take up one or two of  
20 these. We will look at the goals. We'll look at our core  
21 value. We'll reevaluate it in the market and what is  
22 currently going on in the industry, in the Legislature,  
23 with our stakeholders, and with the full input of all of  
24 our jurisdictions, stakeholders, staff, and the industry.  
25 And I think that's empowering to all of us to know that,

1 you know, we will make adjustments, we will look at things  
2 as they develop. And it gives us a road map to where  
3 we're going to constantly be relevant in the discussions  
4 of how to minimize waste, move to a zero waste California,  
5 create a sustainable vision -- a vision of a sustainable  
6 California where hopefully there is no disposal and we  
7 have a clean, safe environment.

8 So, anyway, it's been empowering. And I do have  
9 to thank Mark and Julie, Elliot for drafting many of  
10 these, Eric for guiding us through this process which we  
11 didn't know we were starting when we started it, and  
12 for -- Rubia, for all your help as we went through it as  
13 well.

14 So with that, Kristen, I think you can call the  
15 roll.

16 EXECUTIVE ASSISTANT GARNER: Chesbro?

17 BOARD MEMBER CHESBRO: Aye.

18 EXECUTIVE ASSISTANT GARNER: Danzinger?

19 BOARD MEMBER DANZINGER: Aye.

20 EXECUTIVE ASSISTANT GARNER: Mulé?

21 BOARD MEMBER MULÉ: Aye.

22 EXECUTIVE ASSISTANT GARNER: Brown?

23 CHAIRPERSON BROWN: Aye.

24 Thank you.

25 Now, it's 12:30. Why don't we take a 30-minute



1 break for lunch, because I know nobody will be back here  
2 in 30 minutes. It will be really 35. So I'll say 30  
3 minutes so we can get started in 35.

4 And we'll continue with three more items at that  
5 time.

6 (Thereupon a lunch break was taken.)

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1 AFTERNOON SESSION

2 CHAIRPERSON BROWN: Okay. Let's go ahead and at  
3 least start this ball rolling. Since I neglected to  
4 mention from my script -- I didn't read it completely.  
5 But I did remember that we do have closed session at the  
6 conclusion of regular business today to take up a couple  
7 of items before the Board. So at the conclusion of  
8 regular business we will move into closed session.

9 And we will reconvene this Board.

10 Kristen, can you call the roll.

11 EXECUTIVE ASSISTANT GARNER: Chesbro?

12 Danzinger?

13 Mulé?

14 BOARD MEMBER MULÉ: Here.

15 EXECUTIVE ASSISTANT GARNER: Brown?

16 CHAIRPERSON BROWN: Here. And just hold it open.  
17 I know that everybody's on their way. But we'll get this  
18 ball rolling a little bit.

19 Any ex partes to report?

20 BOARD MEMBER MULÉ: Up to date.

21 CHAIRPERSON BROWN: I'm up to date too.

22 Okay. Okay. Let's move next to Agenda Item 16.

23 Is that it?

24 Eighteen.

25 DEPUTY DIRECTOR LEE: Seventeen, Madam Chair.

1 CHAIRPERSON BROWN: Seventeen. Sorry. I was  
2 hunting around for that number somewhere.

3 Agenda Item 17, consideration of Use Oil  
4 Competitive Grants' Cycle Frequency and Funding Levels.

5 Jim, are you and -- Bonnie.

6 Jim and staff.

7 Thank you.

8 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

9 Good afternoon, Board members. My name is Jim Lee, Deputy  
10 Director for the Special Waste Division.

11 (Thereupon an overhead presentation was  
12 Presented as follows.)

13 DEPUTY DIRECTOR LEE: And, Madam Chair, I want to  
14 thank you for the opportunity to present these items this  
15 afternoon after a break where we've hopefully had a chance  
16 to refresh ourselves a little bit better.

17 Board Item 17 is Consideration of Used Oil  
18 Competitive Grants' Cycle Frequency and Funding Levels.

19 Criteria for two of the used oil competitive  
20 grants, the nonprofit and research and demonstration, were  
21 approved by the Board in January. At staff's request,  
22 funding levels for these cycles was deferred to this month  
23 to allow for consideration of this policy item and the  
24 companion item, Agenda Item 18, on the used oil fund  
25 allocation.

1           This item was heard by the Strategic Policy  
2 Development Committee and held over for discussion before  
3 the full Board.

4           As a prelude to this discussion, and given that  
5 there are some Board members that weren't here when we  
6 last discussed Used Oil Program funding, I want to take a  
7 few minutes and give some program background for context  
8 and perspective on this item.

9           Used Oil Program was authorized by passage of the  
10 California Oil Recycling Enhancement Act in 1991. Purpose  
11 of the Used Oil Recycling Program was to prevent the  
12 improper disposal of used oil and to recycle the used oil  
13 so that it would not be illegally dumped. Proper disposal  
14 would prevent damage to the environment and threats to  
15 public health.

16           The Board was charged with, among other things,  
17 implementing the Recycling Incentive Program; establishing  
18 a network of collection centers; implementing competitive  
19 grant programs, including two of the three competitive  
20 grants that are under consideration this afternoon; and  
21 promoting statewide education and outreach activities.

22                               --o0o--

23           DEPUTY DIRECTOR LEE: Funds to support these  
24 activities come from the Used Oil Fund, which is where  
25 the -- available funds come from oil manufacturer fees.

1 That is a levy, a fee of 16 cents a gallon on lubricating  
2 oil sold in the state. There's also additional money that  
3 comes in from interest earned on cash in the fund. And  
4 then we have the unexpended funds from the prior year that  
5 contribute to the fund balance or carry-over, which is an  
6 important consideration.

7 PRC Code authorizes resources available to the  
8 IWMB to be continuously appropriated. The Board can  
9 adjust spending authority annually for certain oil  
10 programs to meet the statutorily prescribed funding  
11 formulas.

12 Statute established both -- establishes the  
13 program and also directs the funding -- the funding not  
14 only in the order but the amounts available.

15 --o0o--

16 DEPUTY DIRECTOR LEE: I think on this slide we  
17 talk about the categories of expenditure. Now the word  
18 "categories" is not found in the statute. This is an  
19 interpretation of statute to try and make more  
20 understandable, you know, where the funds -- how the funds  
21 must be utilized as set forth in statute.

22 With categories one through three, we consider  
23 these mainly our primary expenditures. These are largely  
24 nondiscretionary items. Category 4 and 5, you know, are  
25 the discretionary components that the Board has control

1 over -- more control over. These -- the Category 4 is  
2 your competitive grants and category 5 is your statewide  
3 education outreach expenditures.

4 --o0o--

5 DEPUTY DIRECTOR LEE: To be a little more  
6 specific about where some of these categories are, in  
7 Category 1 we have to pay our recycling incentive out of.  
8 This is the 16 cents a gallon to the certified centers or  
9 to the public, you know, for waste oil that's recycled.  
10 We also have, you know, various other expenses that come  
11 out of this, including the program -- the Board's  
12 administration for the Used Oil Fund, our statutory  
13 reserve, which is up to a million dollars, and also, as  
14 set forth in statute, a payment to DTSC for investigation  
15 of waste oil facilities.

16 Our Category 2 expenditures are our block grants,  
17 which is \$10 million or 50 percent of the available fund  
18 balance.

19 Our Category 3 expenditures include contributions  
20 to the Farm and Ranch Program, a proportional share with  
21 IWMA and used oil -- excuse me -- and tires. Again,  
22 additional work for DTSC for enforcement-related work on  
23 the facilities and also with the waste oil haulers.

24 For payments to contaminated -- for payments to  
25 certified centers for contaminated oil payments that they

1 might receive. And, again, the category for Board  
2 administration.

3           There's also Budget Act considerations along --  
4 we have a couple of additional -- of things in this  
5 category for direct appropriations to OEHHA and Cal EPA,  
6 among others.

7           Our Category 4 is our competitive grant  
8 expenditures. This is set forth in statute as 60 percent  
9 of the remaining fund balance after categories 1 through 3  
10 have been addressed. The 60 percent comes from the  
11 statutory minimums for the competitive grant programs, 40  
12 for opportunity, 10 for research and demonstration, and 10  
13 for nonprofit.

14           Pursuant to Board policy direction in November  
15 2001, these competitive grants have been provided on a  
16 Biennial basis with nonprofit and R&D grants alternating  
17 with opportunity grants.

18           Our Category 5 expenditures are again for  
19 statewide education and outreach. Unlike the prescriptive  
20 standard in statute for competitive grants, there's a  
21 set-aside of 20 percent -- a minimum of 20 percent of the  
22 available balance after categories 1 through 3 have been  
23 addressed for this Category 5 statewide outreach category.

24           When you add up the 60 percent from the  
25 competitive grants, the 20 percent from the statewide

1 outreach, the remaining 20 percent has by historical  
2 precedent been utilized as carry-over to the following  
3 year.

4 --o0o--

5 DEPUTY DIRECTOR LEE: A revised table showing  
6 what these categories are funding off for this fiscal year  
7 has been produced to the Board and is available at the  
8 back of the room for the public. Although this revised  
9 table is to be included as part of the next agenda item,  
10 Agenda Item 18, I want to reference it now since it has a  
11 bearing on the discussion at hand since it shows a reduced  
12 level of potential funding for competitive grants.

13 Now, with that basic grounding, I want to return  
14 to the issue at hand for the Board's consideration today.  
15 That is, the amount and level of funding for this year's  
16 competitive grant cycle.

17 The Board had asked staff to revisit the policy  
18 of providing competitive grants on the alternate year  
19 rotation that I had previously discussed. Staff completed  
20 this analysis and presented it as part of the agenda item  
21 discussed and you have before you.

22 The agenda item contained a recommendation for a  
23 continuation of the alternating grant awards; albeit with  
24 a modification of the relative percentage amounts to be  
25 allotted to the nonprofit and R&D grants in a year that



1 they were offered.

2           However, there was considerable discussion at the  
3 Strategic Policy Development Committee which centered on  
4 board member and stakeholder preference for an annual  
5 funding cycle as opposed to biennial. There were also  
6 questions about whether the annual cycle for any or all  
7 three competitive grants should commence this year or next  
8 and what the funding levels would be.

9           To respond to these questions, staff has prepared  
10 paring additional information, which you have, and which  
11 is available to the public at the back of the room.

12           At this point I want to turn the presentation  
13 over to Bonnie Cornwall to make the remainder of the staff  
14 presentation and to advise you of staff's revised  
15 recommendation.

16           GRANTS AND CERTIFICATION SECTION I SUPERVISOR  
17 CORNWALL: Good afternoon, Board members. And I want to  
18 thank you for taking a lunch break today. It certainly  
19 made a great difference to me in terms of being prepared  
20 this afternoon.

21           My name is Bonnie Cornwall and I alternately  
22 serve as the acting branch manager along with Kristin Yee  
23 for the Used Oil Household Hazardous Waste Branch.

24           As Jim noted, we're going to look today at the  
25 cycle frequency and funding levels. The slides I'm going

1 to present today, which I'll go through relatively  
2 quickly, are those which you weren't able to see the other  
3 day due to technical difficulties.

4 --o0o--

5 GRANTS AND CERTIFICATION SECTION I SUPERVISOR

6 CORNWALL: In terms of cycle frequency, staff recommends  
7 that the Board adopt a predetermined grant cycle frequency  
8 to provide predictability and planning for both applicants  
9 and staff. There are essentially three options to look  
10 at: The annual option, where all three grants are  
11 offered; the biennial, based on the policy adopted in  
12 2001, where the grants alternate; and a series of other  
13 options.

14 --o0o--

15 GRANTS AND CERTIFICATION SECTION I SUPERVISOR

16 CORNWALL: With the annual cycle all three grants are  
17 offered each year. Based on our projections of declining  
18 revenue available for the competitive grants in the out  
19 years, staff believes the annual cycle is most responsive  
20 to the potential changes in funds remaining for  
21 competitive grants.

22 As you can see, by comparing last year's  
23 projections with this year's, more funds are available for  
24 competitive grants than we anticipated due to changes in  
25 the levels of revenue and expenditures, which may or may

1 not be the case next year. We're not that good at  
2 predicting the future.

3 The annual cycle is, thus, the most responsive to  
4 fluctuations in fund condition for all stakeholders and  
5 for all three grants and is therefore recommended by  
6 staff.

7 --o0o--

8 GRANTS AND CERTIFICATION SECTION I SUPERVISOR

9 CORNWALL: The Biennial cycle, where each grant is awarded  
10 every two years, follows the current Board model. The  
11 biennial cycles have been very successful for us over the  
12 past number of years, as noted here on this slide.

13 However, staff no longer believed this to be the best  
14 option because, in staff's opinion, the fluctuation of the  
15 fund condition becomes the overriding factor.

16 --o0o--

17 GRANTS AND CERTIFICATION SECTION I SUPERVISOR

18 CORNWALL: There are also other cycle options as well,  
19 different rotations for the Board or, in fact, choosing  
20 not to offer the grant in any one given year.

21 --o0o--

22 GRANTS AND CERTIFICATION SECTION I SUPERVISOR

23 CORNWALL: In terms of the funding levels, there are  
24 really two issues at hand: The total amount available in  
25 any given year for competitive grants; and the relative

1 funding available for each grant. And this is determined  
2 in part by the cycle frequency that you adopt.

3 --o0o--

4 GRANTS AND CERTIFICATION SECTION I SUPERVISOR

5 CORNWALL: The statutory framework for determining these  
6 funding levels, as Jim previewed in his earlier  
7 presentation, is the total available resources minus the  
8 mandatory expenditures of categories 1 through 3, which  
9 leaves the remaining balance that we talk about.

10 --o0o--

11 GRANTS AND CERTIFICATION SECTION I SUPERVISOR

12 CORNWALL: Statute indicates a minimum funding level for  
13 the opportunity grant, which is:

14 The eligible applicants or local governments, a  
15 minimum of 40 percent;

16 For the nonprofit, a minimum of 10 percent; and

17 For the research and development, minimum of 10  
18 percent and a maximum of 15 percent. That is the only  
19 grant where a maximum funding level is noted.

20 And, thus, staff have used the 60 percent level,  
21 which is the total of those minimums.

22 --o0o--

23 GRANTS AND CERTIFICATION SECTION I SUPERVISOR

24 CORNWALL: To determine the total annual competitive grant  
25 funding the Board has a number of options:

1           Either to increase funding up to the maximum of  
2 80 percent, with the 20 percent remaining for education  
3 and outreach; or

4           Choosing some level lower than 60 percent with  
5 those funds carried over to the next year.

6           Staff recommends maintaining the grant funding  
7 level at 60 percent to keep a prudent carry-over for the  
8 coming year and facilitate planning.

9                               --o0o--

10           GRANTS AND CERTIFICATION SECTION I SUPERVISOR

11 CORNWALL: Now we come to the numbers. As a result of the  
12 comments given during the Committee meeting we went back  
13 to the drawing board and ran the numbers and projected out  
14 for the next four years to see how the actual funding  
15 available would impact each grant cycle. We've assumed  
16 that the expenditures in categories 1 through 3 remain  
17 constant, as does the revenue. And we've also assumed  
18 that the grant funding levels would remain the same.

19           To make it easier to see the impact of these  
20 funding levels, staff has also indicated in the second  
21 column of each year the number of grants that would be  
22 funded at the \$300,000 funding level, which is what you  
23 approved last month. Again, you'll see that in the second  
24 column.

25           We presented four scenarios, and two are on this

1 slide. These are the two scenarios for the annual cycle  
2 that we recommend begin next year.

3 In scenario 1, the nonprofit and R&D grant would  
4 be postponed this year with all three grants, the  
5 opportunity, nonprofit and R&D, beginning the annual cycle  
6 in year 2.

7 In the second scenario at the bottom of the slide  
8 the nonprofit and R&D are funded this year but at the  
9 minimum level of 10 percent, which is approximately  
10 360,000 each.

11 If you look to the far right column on the slide  
12 you'll see total grants over the four-year period, which  
13 allows you to compare these two different scenarios. As  
14 you can see, the result of these scenarios is fairly  
15 similar in terms of funding levels for nonprofit and R&D.  
16 The opportunity grant over a period of four years would  
17 receive approximately 300,000 extra dollars, which nets  
18 out at about one grant.

19 --o0o--

20 GRANTS AND CERTIFICATION SECTION I SUPERVISOR  
21 CORNWALL: This slide summarizes that final column for  
22 you.

23 --o0o--

24 GRANTS AND CERTIFICATION SECTION I SUPERVISOR  
25 CORNWALL: The second set of scenarios is the biennial

1 cycle. Scenario 3 on the top of this slide, the nonprofit  
2 and R&D cycle would be funded according to the statutory  
3 maximum for the R&D grant at 15 percent, which leaves a  
4 remaining 45 percent for the nonprofit, bringing us up to  
5 the total of 60 percent to be funded each year, as has  
6 been the model for the biennial cycle.

7 In this option you'll see that the opportunity  
8 grant would receive the full funding in year 2, the full  
9 60 percent.

10 In scenario 4, nonprofit and R&D are funded this  
11 year but at the maximum level for R&D, or 15 percent, with  
12 approximately 550,000 each, which takes only half of the  
13 available money for competitive grants, carrying over  
14 money in to year 2, which is why the opportunity grant in  
15 year 2 would be at a higher funding level than in  
16 option -- or scenario 3.

17 As you can see with these two biennial cycles,  
18 the differences in funding levels or total grants funded  
19 in the far right column for each of the grants is very  
20 different.

21 --o0o--

22 GRANTS AND CERTIFICATION SECTION I SUPERVISOR  
23 CORNWALL: For scenario 3 there will be approximately 3.8  
24 opportunity grants, compared with 6.7 in scenario 4.

25 Recognizing that that's a great deal to digest, I

1 want to summarize for you then staff's recommendation.

2 --o0o--

3 GRANTS AND CERTIFICATION SECTION I SUPERVISOR

4 CORNWALL: Taking into account the fluctuations of funding  
5 available in any given year for competitive grants, we  
6 recommend an annual cycle with a joint solicitation, three  
7 grants funded up to the 60 percent level, either scenario  
8 1 or 2. Those were both the annual options.

9 At this time, staff preference is for option 1,  
10 which is defer competitive grant funding for the nonprofit  
11 and R&D until next year, but to offer the joint  
12 solicitation for all three grants much earlier in the  
13 year, suggested by Chair Brown, to minimize the impact at  
14 the local level.

15 --o0o--

16 GRANTS AND CERTIFICATION SECTION I SUPERVISOR

17 CORNWALL: Therefore, staff recommends that the Committee  
18 approve option 2 -- not scenario 2 but option 2 in the  
19 Board item relative to the framework for cycle frequency  
20 and funding levels. This represents a pattern of  
21 predictability for cycle frequency and funding.

22 And we recommend adopting Resolution 2007-35 with  
23 revisions.

24 This conclude the presentation. And we're  
25 prepared for questions.



1 BOARD MEMBER CHESBRO: Madam Chair.

2 First of all, I apologize for not getting back in  
3 the timeframe which you suggested.

4 CHAIRPERSON BROWN: That's okay.

5 BOARD MEMBER CHESBRO: So I may have missed this  
6 explanation. And it's a pretty basic question.

7 CHAIRPERSON BROWN: Let me quickly for the record  
8 note that we've been joined by Member Chesbro and Member  
9 Danzinger during our discussion.

10 Do you have any ex partes to report?

11 BOARD MEMBER CHESBRO: (Shakes head.)

12 BOARD MEMBER DANZINGER: (Shakes head.)

13 CHAIRPERSON BROWN: Up to date. Okay.

14 Now, go ahead. Sorry.

15 BOARD MEMBER CHESBRO: Why is the revenue  
16 decreasing and why does it fluctuate? Just a simple -- I  
17 mean I know you probably explained this both today and at  
18 the last Committee -- at the Committee meeting. But I  
19 just want to get a better handle on that.

20 DEPUTY DIRECTOR LEE: Well, again, the -- you  
21 know, there's a number of different reasons.

22 Number 1, your revenues have been, you know,  
23 relatively flat to decreasing. Again, the amount of  
24 lubricating oil that's sold in the state I think was  
25 reported on in the Committee meeting, you know, has been,

1 you know, literally that. And the projections are for not  
2 much change going forward.

3 Secondly, there's a number of expenditures, you  
4 know, coming out of the out of the fund. You know, we  
5 have both -- you know, direct appropriations, you know,  
6 plus increasing staff expenses. Plus we've been doing a  
7 lot better job and the grantees have been doing a lot  
8 better job of expending the resources that -- the funds  
9 that they are given in the grants.

10 Again, I think I mentioned during my remarks that  
11 the carry-over we get from the previous year, either  
12 through, you know, grant disencumbrances, you know, money  
13 that's not spent for various reasons, you know, all has a  
14 bearing on what we have to roll over into the next year,  
15 which is available for the grant cycle, you know, in any  
16 given year.

17 BOARD MEMBER CHESBRO: So the rollover is  
18 shrinking essentially is what you're saying?

19 DEPUTY DIRECTOR LEE: All of these things are  
20 coming to bear, you know, on the fund. Just as an  
21 example, you know, I think back in fiscal year '01-'02,  
22 the amount of money that we had available for the  
23 competitive grant cycle I think was between 5 and 5 1/2  
24 million dollars. This year I think we expect to have a  
25 little over 2. I think the average over the last four or

1 five years has been a little over 3.

2 If you look at the table that we provided, you  
3 can see, you know, the declining trend of, you know, funds  
4 that are available, you know, for this as we get closer  
5 and closer to our expenditures matching up with our annual  
6 revenues, you know, without having significant carry-over  
7 from year to year. So this variety of things is playing  
8 into the scenario that you're seeing now.

9 BOARD MEMBER CHESBRO: Thank you.

10 CHAIRPERSON BROWN: Any other questions?

11 We do have one speaker. John Cupps.

12 MR. CUPPS: Good afternoon, Madam Chair, members  
13 of the Board. For the record, my name is John Cupps. I'm  
14 a consultant to the San Luis Obispo Integrated Waste  
15 Management Authority.

16 We do support the annual cycle funded at the --  
17 at least at the levels of the minimum levels set forth in  
18 statute.

19 Thank you.

20 CHAIRPERSON BROWN: Thank you Mr. Cups.

21 Anybody have any questions?

22 Okay. Well, we have two resolutions here and a  
23 staff recommendation.

24 I'm unclear -- oh, revised scenario -- a revised  
25 and revised dash scenario 2 are the two attachments. But

1 there's no reference to change in resolution number. So I  
2 think we need to use --

3 BOARD MEMBER MULÉ: Madam Chair, I'd support the  
4 annual cycle for all three grants and -- but I think that  
5 since we've already put the word out to the public that  
6 the nonprofit and research grants -- or there are a notice  
7 of funds available, I propose that we go with scenario 2,  
8 which would allow for funding of those categories for this  
9 year, and then for next year go to the annual cycle with  
10 all three grants.

11 And I noticed -- and I appreciate all the work  
12 that staff did on this chart. It was very, very helpful  
13 to me in looking at, you know, the big picture here with  
14 our grant programs. But also too I'd like to note that  
15 some -- you know, the grants, while we increase the  
16 maximum amount to \$300,000, that doesn't mean -- and I  
17 think you say so in the text of your agenda item, that all  
18 the grants aren't usually requested for the full amount.  
19 So when we look at the number of grants, I mean that's the  
20 minimum number of grants that we could fund, correct?

21 DEPUTY DIRECTOR LEE: That's correct.

22 BOARD MEMBER MULÉ: Yeah, there could be more  
23 grants. So, for example, even this year, if we go with  
24 the 367 for the nonprofits, I mean we could fund -- you  
25 know, if each grantee comes in with a hundred thousand

1 dollars grant and somebody comes in with a \$60,000 grant,  
2 we can fund all four grants?

3 DEPUTY DIRECTOR LEE: That is true.

4 BOARD MEMBER MULÉ: Okay. So --

5 CHAIRPERSON BROWN: I have to -- well, you know,  
6 I was persuaded by your argument at the Committee meeting.  
7 So I'm a little -- I don't want to say perplexed. But,  
8 you know, the fact that we've already put out the notice  
9 of funds and that people in the field are ready for these  
10 grants to come out leans me more toward scenario 2 than  
11 the recommendation of staying with scenario 1. I think,  
12 you know, we're sensitive to the fact that people are  
13 expecting these grants. I don't think it's going to  
14 diminish significantly the amount of money going out if we  
15 do fund, you know, grants a lot at other levels. But I  
16 think we need to continue with the funds for this year, as  
17 noted, and then go to a biennial cycle. So I would  
18 support that. I mean, not -- annual cycle. Sorry.

19 DEPUTY DIRECTOR LEE: Madam Chair, if --

20 CHAIRPERSON BROWN: I didn't get a full lunch. I  
21 got snacks. But snacks helped.

22 Annual.

23 DEPUTY DIRECTOR LEE: Madam Chair, we understand  
24 the position you're espousing. And, again, as I think I  
25 stated at the Committee meeting, you know, there is no

1 right or wrong with this. You know, the Board asked us to  
2 report back on this. I think, you know, my staff has done  
3 that very well.

4 CHAIRPERSON BROWN: This is excellent. This was  
5 very helpful. I appreciate you doing it. I appreciate it  
6 being requested. Because it is very helpful in looking at  
7 year 2, year 3, and year 4 and what will happen with the  
8 annual cycles versus the biennial. So --

9 DEPUTY DIRECTOR LEE: And I wanted again to point  
10 out Madam Chair, I think the -- you know, from my  
11 perspective, the bigger issue here again is the trend,  
12 which we reported on accurately last year, you know, that  
13 there are funding -- there are funding challenges among  
14 others for this particular fund. And at some point down  
15 the road we probably need to revisit this whole  
16 competitive grant issue, in fact, the whole funding  
17 situation for the Used Oil Program; because, as you can  
18 see, we've got diminishing number of grants going forward  
19 and less opportunity to really make a difference, you  
20 know, with them.

21 CHAIRPERSON BROWN: Yeah, I think you're right.  
22 We need to let jurisdictions know that this is not a  
23 permanent program -- or a permanent source of funding, and  
24 I'm not sure that it was ever intended to be.

25 Okay, great. Anything else? Any other

1 questions, comments, Board members?

2 Can I have a motion then?

3 BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
4 Resolution 2007-35. And I guess then under "Be it further  
5 resolved" --

6 CHAIRPERSON BROWN: Revised scenario 2.

7 BOARD MEMBER MULÉ: Oh, I don't have that.

8 Okay. Revised scenario 2 then.

9 BOARD MEMBER DANZINGER: Second.

10 CHAIRPERSON BROWN: It's been moved by Member  
11 Mulé and seconded by Member Danzinger.

12 I do want to note, it is a little unclear in the  
13 resolution that the annual cycle is for '07-'08, and that  
14 the cycle -- it is noted in the "Be it further resolved"  
15 part that that is '06-'07 money.

16 GRANTS AND CERTIFICATION SECTION I SUPERVISOR  
17 CORNWALL: The annual cycle is for -- the first "Now  
18 therefore be it resolved" is setting a framework for  
19 the --

20 CHAIRPERSON BROWN: Right. But it doesn't say  
21 that it commences in '07-'08.

22 GRANTS AND CERTIFICATION SECTION I SUPERVISOR  
23 CORNWALL: Right. We can add that text.

24 CHAIRPERSON BROWN: Okay. So for the record, we  
25 just want to add "for the budget year '07-'08" in that

1 paragraph so that it's clear that the annual cycle will  
2 start next fiscal year but that we're funding the  
3 grants -- nonprofit grant, 7th cycle; and research  
4 development grant, 5th cycle, from the '06-'07 money.

5 DEPUTY DIRECTOR LEE: I understand.

6 CHAIRPERSON BROWN: Thank you.

7 Kristen, can you call the roll.

8 EXECUTIVE ASSISTANT GARNER: Chesbro?

9 BOARD MEMBER CHESBRO: Aye.

10 EXECUTIVE ASSISTANT GARNER: Danzinger?

11 BOARD MEMBER DANZINGER: Aye.

12 EXECUTIVE ASSISTANT GARNER: Mulé?

13 BOARD MEMBER MULÉ: Aye.

14 EXECUTIVE ASSISTANT GARNER: Brown?

15 CHAIRPERSON BROWN: Aye.

16 Thank you. That passes.

17 Thank you very much, staff. That was a great  
18 presentation.

19 Now we'll move to Item 18, Discussion of the Fund  
20 Condition, again. Again?

21 DEPUTY DIRECTOR LEE: Yeah, we may have stolen a  
22 little bit of our thunder with this one in the previous  
23 item, but I thought it was necessary.

24 But, again, Madam Chair -- my name is Jim Lee.  
25 I'm Deputy Director of the Special Waste Division.



1           Board Item 18 is Discussion of the Fund  
2   Condition; update on Used Oil Recycling Programs; and  
3   Consideration of Annual Expenditure Plan to be funded from  
4   the Used Oil Recycling Fund.

5           Due to time constraints and at the Policy  
6   Committee's request, this item was held over to vet before  
7   the full Board. As the agenda title connotes, we are  
8   covering a Lot of ground with this particular item.

9           (Thereupon an overhead presentation was  
10   Presented as follows.)

11           DEPUTY DIRECTOR LEE: First, I want to give you a  
12   brief update on the fund condition, some of which was  
13   discussed in the previous item, and also kind of give you  
14   some of staff's perspective again on long-term program  
15   objectives.

16           We brought most of this to the Board's attention  
17   again last spring when we brought an issue paper on the  
18   Used Oil Program, you know, to vet with the Board. And we  
19   discussed some of the funding challenges stemming again  
20   from the flat revenues, generally increasing expenditures,  
21   and reduced annual carry-over amounts. The net result of  
22   this is decreasing amounts available for competitive  
23   grants and statewide outreach going forward.

24           Now, the ostensible solution of this is to  
25   reduce -- is reducing expenditures and increasing fees.

1                               --o0o--

2               DEPUTY DIRECTOR LEE: With regards to the  
3 expenditure side of the equation, staff would recommend we  
4 reexamine all expenditures, including the statutory  
5 obligation for block grant expenditures without  
6 performance specifications, so that we can be assured that  
7 maximum cost efficiency is being achieved in the program.

8               With regards to fee increases, staff would  
9 recommend that before that alternative receives serious  
10 consideration, that product stewardship initiatives,  
11 including oil refiner take-back or minimum re-refined oil  
12 content specifications and lubricating oil, be fully  
13 explored.

14              We also want to take a little time this morning  
15 to go over staff's implementation of the Board's Used Oil  
16 Implementation Plan. Unlike the Board's five-year tire  
17 plan, which is legislatively mandated, the Used Oil  
18 Implementation Plan is a voluntary, staff-proposed and  
19 Board-endorsed plan designed to act as a blueprint and a  
20 report card on staff's effort in carrying out the Board's  
21 directives in this program.

22              Finally, the last thing we want to reemphasize is  
23 that many of the expenditures from the fund are  
24 prescriptive and the Board's discretion is limited. We  
25 discussed as part of the previous item the categories of

1 expenditures, with only the designated Category 4 and 5  
2 being of a discretionary nature.

3 In the previous item, the Board made its  
4 determination for the proposed competitive grant Category  
5 4 expenditures. In this item, staff will present for the  
6 Board's approval proposed Category 5 statewide outreach  
7 expenditures.

8 With that overview, I will now ask Spencer Fine  
9 to make the remainder of the staff's presentation.

10 --o0o--

11 MR. FINE: Good day, Madam Chair and Board  
12 members. It is staff's pleasure to give an update of the  
13 Used Oil Program as well as to present our annual  
14 expenditure plan for your consideration.

15 The fund condition was discussed in Agenda Item  
16 17. I'll give a quick update on the Used Oil Program  
17 based on our Implementation plan. This implementation  
18 plan has been our road map in directing our activities.

19 Lastly, I'll present our Category 5 line item.  
20 The allocation proposals were discussed in Agenda Item 15.

21 --o0o--

22 MR. FINE: Staff's hope is that upon conclusion  
23 of this presentation, you will be able to identify the  
24 relationship between the implementation plan and the  
25 program's activities.

1           The seven major strategies are also in Attachment  
2 3 for your reference.

3                               --o0o--

4           MR. FINE: The first strategy is to maximize the  
5 effectiveness of the used oil collection centers. With  
6 the assistance of a contractor, we developed a recruitment  
7 packet that our local grantees used to recruit new CCCs.

8                               --o0o--

9           MR. FINE: This folder assists in explaining the  
10 benefits and responsibilities of being a Certified  
11 Collection Center. For additional Board member  
12 encouragement, we have included a letter signed by Board  
13 Chair Brown inviting them to join. There's a short  
14 brochure that outlines how being a Certified Collection  
15 Center will help their business.

16           Grantees who have requested the folder have been  
17 generally positive. They have mentioned that the folders  
18 are a beneficial tool during the initial phase of the CCC  
19 recruitment process.

20                               --o0o--

21           MR. FINE: Moving on to Strategy 2, focuses on  
22 source reduction and pollution prevention. Using our  
23 Research and Development Grant funds, we are working with  
24 the Air Resources Board and the California Stationary Fuel  
25 Cell Collaborative on a hydrogen fuel cell project. With

1 hydrogen fuel cell vehicles, no motor oil is required and  
2 is therefore the ultimate in source reduction.

3           At last Wednesday's MDS Committee meeting,  
4 Members Petersen, Chesbro and Brown listened to Professor  
5 Shultz and his research assistant present the just  
6 completed oil change interval project. OPA is proposing a  
7 campaign which was highlighted in Agenda 15 about  
8 educating drivers to review manufacturer's recommendations  
9 when changing their own oil.

10                               --o0o--

11           MR. FINE: A project emphasizing source reduction  
12 is the use of high efficiency oil filters. DTSC is a  
13 contractor for this project. This project is to  
14 demonstrate whether the high performance of these filters  
15 extends oil change intervals and therefore result in cost  
16 savings and waste reduction.

17           About 100 filters have been placed in six  
18 different fleets statewide.

19                               --o0o--

20           MR. FINE: The following two slides are examples  
21 of the fleet vehicles that are using these high efficiency  
22 filters.

23           The slide you see now is CalTrans. CalTrans has  
24 15,000 vehicles in their fleet, and they provided five for  
25 this study.

1 --o0o--

2 MR. FINE: The next slide is the Department of  
3 Corrections. Don't want to be in that bus.

4 (Laughter.)

5 MR. FINE: Corrections provided ten buses.

6 BOARD MEMBER CHESBRO: No, we don't.

7 --o0o--

8 MR. FINE: Strategy 3. Strategy 3 relates to  
9 promoting the highest and best use of used oil. We are  
10 working with the Lawrence Livermore Lab to determine the  
11 feasibility of blending used oil back into the crude oil  
12 refining process. If used oil is blended back into the  
13 process, it would be 100 percent reuse of the used motor  
14 oil. Enhancing the visibility of the Used Oil Program is  
15 our fourth strategy. In collaboration with our very own  
16 Office of Public Affairs, we are highlighting the  
17 accomplishments of our grantees as well as the effort they  
18 have placed into the complex task of collecting used oil  
19 and filters.

20 --o0o--

21 MR. FINE: These are just some examples of the  
22 events our Chairperson and Board members attend.

23 Here is Board Member Petersen giving remarks and  
24 then making a presentation at the grand opening of the  
25 Santa Maria Environmental Collection Center. CIWMB

1 provided a \$200,000 grant from the HD 13 cycle for this  
2 project.

3 Is goal of this facility is to increase household  
4 hazardous waste collection by 50 percent. The facility  
5 also includes a household hazardous waste material swap  
6 where usable hazardous materials, and not waste, are made  
7 available for the public to use. This diverts the  
8 material from disposal.

9 --o0o--

10 MR. FINE: We have the privilege of Board Chair  
11 Margo Brown presenting awards to our grantees at the 2006  
12 annual Used Oil HHW conference in Granlibakken in Lake  
13 Tahoe. The conference continues to be one of our biggest  
14 events for network and sharing of information. Here Board  
15 Chair Brown is giving opening remarks at the annual  
16 dinner.

17 --o0o--

18 MR. FINE: Here's an example of an award given to  
19 Ionie Wallace of the San Bernardino Department of Public  
20 Works for their continued excellence in the Used Oil  
21 Collection Program.

22 --o0o--

23 MR. FINE: Strategy 5. Used Oil Program staff  
24 have embraced the lessons of continuous improvement and is  
25 actively collecting input from stakeholders. In April

1 2006, staff presented a white paper on the Used Oil  
2 Program to the Board. Staff critically assessed what  
3 could be changed or modified in the program. Feedback was  
4 sought from grantees through a survey. This type of  
5 continuous assessment helps make the program more  
6 effective and efficient.

7 --o0o--

8 MR. FINE: The sixth strategy focuses on  
9 developing public-private partnerships. Oil staff has  
10 partnered cross-divisionally and with other public  
11 agencies in producing the environmentally preferable  
12 purchasing manual. UOP staff developed a section on motor  
13 oil and paint. The EPP manual for motor oil and paint  
14 furthers the green procurement action plan of the Board.

15 --o0o--

16 MR. FINE: Finally, our seventh strategy is  
17 program improvement through transfers of best practices.  
18 We profile model programs which are sent to grantees,  
19 shared at bimonthly household hazardous waste information  
20 exchanges, and are featured on our CIWMB website.

21 Additionally, our staff conducts Block Grant 101  
22 training courses for local grant managers throughout the  
23 year. Topics cover an overview of program priorities,  
24 recruitment of Certified Collection Centers, grant  
25 procedures and requirements, submission of paint requests



1 and appropriate documentation and preparation of the  
2 application and annual reports.

3 With the turnover of local grant managers in the  
4 field, these trainings are necessary to keep them informed  
5 of the ever-changing requirements. Each time the course  
6 is given, it serves as a model for future regional  
7 training of the grantees.

8 I hope that this overview has provided you with  
9 the insight and understanding of the Used Oil Program. We  
10 are using our implementation plan, as Jim previously  
11 mentioned, as a road map to improve upon our program, to  
12 provide technical assistance, and to help grantees  
13 maximize their resources.

14 Now, I'll present our proposed allocation funding  
15 for our statewide education outreach activities and  
16 allocation proposals for your consideration.

17 --o0o--

18 MR. FINE: Staff has outlined the recommendation  
19 for the portion of the fund the Board has discretion over.  
20 There is a total of \$832,000 to allocate.

21 We are proposing three areas of funding: \$75,000  
22 for Certified Collection Center support, which is the  
23 backbone of our oil collection efforts. We are required  
24 to supply them with signage and outreach materials as they  
25 come into the program or as their signage wears out.

1 There are over 2700 Certified Collection Centers  
2 throughout this wonderful state. \$70,000 for  
3 collaboration outreach materials such as posters, pledge  
4 cards -- here we're jumping back and forth to the slides  
5 so you can see them -- membership with Product Stewardship  
6 Institute.

7 --o0o--

8 MR. FINE: \$10,000 for annual conference, which  
9 will be contributed towards the NAMA conference. We are  
10 doing things a bit differently this year by offering a  
11 two-day workshop in April instead of our usual week-long  
12 Used Oil HHW Conference. With the NAMA Conference being  
13 held in October 2007, Board staff, grantees, and  
14 stakeholders can participate in national conference  
15 instead.

16 You will be hearing more about our workshops in  
17 the next several weeks and the conference. Our allocation  
18 proposals were fully discussed in Agenda 15. Each of  
19 these projects are split-funded. Proposed is the \$600,000  
20 for statewide outreach, \$40,000 for the environmental  
21 justice, and \$10,000 for the free cycle website update.

22 Lastly, we have allocated \$27,000 to support a  
23 student assistance in other divisions.

24 This concludes staff's presentation, and will  
25 request the Board approve option 1, approve the proposed

1 statewide Education and outreach expenditure plan for  
2 fiscal year 2006-2007, and adopt Resolution No. 2007-34.

3 Thank you. Staff is more than happy to address  
4 any questions.

5 CHAIRPERSON BROWN: Thank you, Spencer.

6 Do we have any questions?

7 BOARD MEMBER MULÉ: I just have one. Thank you,  
8 Madam Chair.

9 On page 18-7 of the Used Oil Exemption  
10 Regulations, Jim, the last sentence says the proposed  
11 regulations will clarify the procedures and assist oil  
12 manufacturers by streamlining the refund process.

13 Could you just give us just a brief thumbnail  
14 overview of what we're going -- what we're trying to do  
15 with these regulations? It wasn't clear to me in the  
16 language here.

17 DEPUTY DIRECTOR LEE: Yes. Well, basically I  
18 talked about the fact that, you know, the money for the  
19 used Oil Fund comes from a 16-cents-a-gallon fee on  
20 lubricating oil. If that fee is -- for whatever reason is  
21 improperly paid or if a case can be made to us after the  
22 fact that -- you know, that a manufacturer paid the fee  
23 inaccurately, inappropriately, they can request a refund.  
24 In previous years we've had some large, you know, claims  
25 that have been made, you know, which have been literally a

1 drain on the fund.

2 We have basically provided additional guidance to  
3 fee payers about this. But it needs to be codified in  
4 regulations. And so that is what we are referring to here  
5 is an effort that we are undertaking again to, you know,  
6 put into regulations the process for, you know, making  
7 these claims, you know, for exemptions.

8 BOARD MEMBER MULÉ: Thank you. And what's the  
9 timeline on that? Do we have a timeline for the process?

10 DEPUTY DIRECTOR LEE: I don't think we've  
11 gotten -- we have initiated the process. I'm not sure  
12 exactly how long we think it will take. Like there's been  
13 a lot of other distractions that we've had recently. But  
14 it is something that we know that we need to do.

15 BOARD MEMBER MULÉ: Okay, great. Thank you.

16 CHAIRPERSON BROWN: Thank you.

17 Any other questions?

18 Motion?

19 BOARD MEMBER MULÉ: Madam Chair, I'd Like to move  
20 Resolution 2007-34.

21 BOARD MEMBER CHESBRO: Second.

22 CHAIRPERSON BROWN: Its been moved by Member Mul  
23 and seconded by Member Chesbro.

24 Kristen, can you call the roll.

25 EXECUTIVE ASSISTANT GARNER: Chesbro?

1 BOARD MEMBER CHESBRO: Aye.

2 EXECUTIVE ASSISTANT GARNER: Danzinger?

3 BOARD MEMBER DANZINGER: Aye.

4 EXECUTIVE ASSISTANT GARNER: Mulé?

5 BOARD MEMBER MULÉ: Aye.

6 EXECUTIVE ASSISTANT GARNER: Brown?

7 CHAIRPERSON BROWN: Aye.

8 Thank you, Mr. Fine. Thank you very much for  
9 your presentation. It was very good. Almost as good as  
10 seeing you at the end of that long bike ride up to Tahoe,  
11 which you don't get to do this year. I'm so sorry. But I  
12 do want to know --

13 MR. FINE: I'm not --

14 CHAIRPERSON BROWN: -- are you riding all the way  
15 to San Diego to the conference down there?

16 MR. FINE: I wish you hadn't proposed that  
17 question.

18 CHAIRPERSON BROWN: Just inquiring.

19 MR. FINE: I'll think about it.

20 CHAIRPERSON BROWN: Okay. You have a few months  
21 to think on it or train for it.

22 MR. FINE: You got it.

23 CHAIRPERSON BROWN: Okay. Now, we move to Agenda  
24 Item 26, a presentation on the Market Assessment Action  
25 Plan, which I think is Lorraine.

1           Oh, there you are. I saw you over there, and now  
2 you're over here.

3           ACTING DEPUTY DIRECTOR VAN KEKERIX: Yes. Well,  
4 we're switching seats just to keep everyone on their toes.

5           CHAIRPERSON BROWN: Thank you.

6           (Thereupon an overhead presentation was  
7 Presented as follows.)

8           ACTING DEPUTY DIRECTOR VAN KEKERIX: We have a  
9 presentation for you today with an update on the results  
10 of the Marin County pilot study on the Market Assessment  
11 Action Plan.

12           And Trevor O'Shaughnessy will be giving our  
13 presentation.

14           CHAIRPERSON BROWN: Thank you.

15           Trevor.

16           STATE AGENCY ASSISTANCE SECTION SUPERVISOR

17 O'SHAUGHNESSY: Good afternoon, Madam Chair, members of  
18 the Board. My name is Trevor O'Shaughnessy from the  
19 Diversion Planning and Local Assistance Division. And I'm  
20 here to present the team findings and update with regards  
21 to the Market Assessment Action Plan.

22                               --o0o--

23           STATE AGENCY ASSISTANCE SECTION SUPERVISOR

24 O'SHAUGHNESSY: I'd like to begin by overviewing and  
25 recognizing the members of the team that have put together

1 the overall effort that's come before us today.

2 The executive sponsors are Lorraine Van Kekerix  
3 and John Smith, Lorraine from the Diversion Planning and  
4 Local Division -- that got messed up really bad -- and the  
5 Markets Division which John Smith. I have taken on the  
6 team leader responsibility.

7 And the original founders of the overall team  
8 when the Board gave its original direction back in April  
9 of 2005 included John Smith, Howard Levenson, Steven  
10 Sorelle, and Bill Orr.

11 --o0o--

12 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

13 O'SHAUGHNESSY: There have been several other members of  
14 the team that have come together throughout the divisions  
15 to make sure that the overall effort was totally  
16 successful in implementation of the overall efforts to get  
17 the best results possible to show how and what the  
18 Integrated Waste Management Board can do to advance itself  
19 and to further help jurisdictions.

20 --o0o--

21 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

22 O'SHAUGHNESSY: The overall findings from the pilot done  
23 in Marin County proved to be successful and did give staff  
24 valuable information. However, with the cooperative  
25 efforts of the recyclers within the region of Marin

1 County, the study was proven to be very resource intensive  
2 with regards to the effort that we were focusing on at the  
3 initial time.

4 Other issues that we came across was that the  
5 markets changed from when we did our initial surveying and  
6 we used 2005 as that base, even though we were in the  
7 field in 2006. The most recent year being 2005 as a  
8 complete year. The markets changed. With that, at the  
9 conclusion of this presentation I will be providing a  
10 refined approach for the next phase of the overall  
11 project.

12 To provide some brief history for the new members  
13 of the Board, I would like to talk about what the initial  
14 action plan was with regards to the MAAP project.

15 It was to evaluate the flow of materials within  
16 the State of California. However, this was a very broad  
17 topic. So the team decided to look at a more focused  
18 effort and look at pilot counties. Through this overall  
19 effort the intent of this overall project is to help local  
20 governments, businesses, and the Board develop tools and  
21 efforts to progress and move forward to a more zero-waste  
22 state.

23 The primary nature of the first initial priority  
24 was to look at the infrastructure and identify what it was  
25 made of; identify the barriers and the opportunities to



1 increase the efforts to zero waste; to look at the  
2 barriers and opportunities for future market development;  
3 to look at the -- and to help the Board better focus its  
4 assistance that we have internally; and, finally, to  
5 develop tools for future efforts for waste diversion.

6 --o0o--

7 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

8 O'SHAUGHNESSY: The initial effort within the County of  
9 Marin was just that. We set the boundaries very rigid and  
10 started the initial pilot program. And we looked within  
11 the Marin area. The original MAAP project was looking at  
12 all commodities. But because those are so vast, we looked  
13 at the total waste stream and considered those that have  
14 the biggest impact on the waste stream.

15 So the survey and work that we did looked at  
16 construction and demolition, organics with the focus on  
17 green waste and food waste, paper with a specific focus on  
18 corrugated newsprint and miscellaneous paper or remainder  
19 composite. And the last being plastics, pretty much being  
20 all inclusive with also a focus on plastic film.

21 --o0o--

22 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

23 O'SHAUGHNESSY: The major survey respondents, although we  
24 had many people participate in the survey these  
25 respondents were willing for us to use their names in our

1 findings. Although many of their responses are considered  
2 confidential, they were very cooperative in helping the  
3 overall effort move forward.

4 --o0o--

5 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

6 O'SHAUGHNESSY: I would like to now go and present staff's  
7 findings for each one of the materials that were  
8 evaluated.

9 --o0o--

10 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

11 O'SHAUGHNESSY: The first is C&D. And, again, keeping in  
12 mind our evaluation was looking at the full calendar year  
13 of 2005.

14 There was over 4,000 tons of C&D diverted within  
15 Marin County. There was an estimated 51,000 tons still  
16 being disposed. There are two primary facilities serving  
17 Marin County. And again I would like to stress that we  
18 looked within the boundaries of Marin County. There are  
19 facilities that are outside the Marin County boundary that  
20 are helping divert materials. But our primary focus was  
21 within that area.

22 There's a --

23 BOARD MEMBER CHESBRO: May I ask a question?

24 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

25 O'SHAUGHNESSY: Yes, please.

1           BOARD MEMBER CHESBRO: Trevor, where did you --  
2 by the way, hi.

3           STATE AGENCY ASSISTANCE SECTION SUPERVISOR

4 O'SHAUGHNESSY: Hello. How are you doing, Wesley.

5           BOARD MEMBER CHESBRO: Where did you put wood  
6 waste? Did you put it under organics or under C&D?

7           STATE AGENCY ASSISTANCE SECTION SUPERVISOR

8 O'SHAUGHNESSY: You know, that's an interesting question.  
9 And it really kind of fell --

10          BOARD MEMBER CHESBRO: See, I'm listening. Evan,  
11 I'm listening.

12          STATE AGENCY ASSISTANCE SECTION SUPERVISOR

13 O'SHAUGHNESSY: It really kind of fell under both.  
14 Because of the survey respondents, we did go to both the  
15 green waste industry, and they responded saying that they  
16 processed wood; but then the C&D facilities also responded  
17 and said they processed wood. And that's where one of the  
18 difficulties of that element come in and how to measure  
19 and count that.

20          And just a general comment, not specifically on  
21 wood, but another element that we did our best to deal  
22 with was a double counting issue. Because a C&D facility  
23 may have processed wood and then transported or moved it  
24 over to a composting or green waste processor where then  
25 it got used for a beneficial use.

1 BOARD MEMBER CHESBRO: Well, we'll push that  
2 topic forward to our discussion on the organics item.

3 Thanks.

4 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

5 O'SHAUGHNESSY: You're welcome. Thank you.

6 --o0o--

7 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

8 O'SHAUGHNESSY: The three principal products that were  
9 produced through the implementation of the diversion  
10 activities with Marin was beneficial reuse of the  
11 landfill, public works projects, and recycled materials.

12 Recycled metal as the third product.

13 --o0o--

14 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

15 O'SHAUGHNESSY: The green waste industry reported to us  
16 over 84,000 tons of material diverted, with an estimated  
17 16,000 tons still being disposed. There were three  
18 primary facilities that were processing materials for  
19 Marin County, with an estimated diversion of 84 percent.  
20 There are four principal commodities or materials that  
21 were generated.

22 --o0o--

23 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

24 O'SHAUGHNESSY: ADC, boiler fuel, compost and mulch.

25 --o0o--

1 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

2 O'SHAUGHNESSY: The next material that was evaluated was  
3 paper. Paper based on our survey had 90,000 tons of  
4 material diverted, was estimated almost 50,000 tons still  
5 being disposed. There were six primary facilities that  
6 responded to our survey to help us evaluate and measure  
7 the overall impact, with a 64 percent total diversion  
8 within Marin County.

9 --o0o--

10 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

11 O'SHAUGHNESSY: The three primary elements that we were  
12 able to measure was newspaper, cardboard, and mixed paper.

13 Notice that within this we did not have an  
14 opportunity or an ability to measure the mixed composite,  
15 which was a fourth element of the paper product. And that  
16 was just due to the difficulty of that measurement.

17 --o0o--

18 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

19 O'SHAUGHNESSY: The next element would be food diversion.  
20 This particular activity proved to be an interesting  
21 challenge to work with the industry. And looking at the  
22 bullet points in reverse order, the food diversion  
23 industry, the food closets, the other entities that used  
24 beneficial food did not consider it a waste. So when we  
25 tried contacting them and asking our survey, using our

1 nomenclature, "What do you do with food waste and how do  
2 you divert it?" they said, "We don't have food waste. We  
3 reuse it. It's a commodity. It's a material and has  
4 value."

5           So with that, our response to this survey was  
6 very limited, with only two survey respondents that talked  
7 with staff. The other issue, as I already stated, was  
8 about the nomenclature. And they did not track their  
9 figures and information in the same means or the way that  
10 we asked our questions. So it was a major lesson that we  
11 obtained from the food industry.

12                               --o0o--

13           STATE AGENCY ASSISTANCE SECTION SUPERVISOR  
14 O'SHAUGHNESSY: Within the plastics arena, we had four  
15 survey respondents that primarily helped us in developing  
16 our information. Again, here, we ran into a barrier that  
17 they did not track materials nor support the survey in the  
18 way in which we asked the survey and the questions. We  
19 specifically focused on and asked how and how much  
20 material was transported out of Marin County. Well, the  
21 records weren't necessarily treated in that fashion and  
22 they looked at things in a more global sense, within a  
23 regional element. And this in part's driven by what we've  
24 since learned with regards to the international markets  
25 and the best source for information. Rather than going

1 directly to a supermarket or a specific recycler and  
2 saying, "How much plastic did you collect?", it's really  
3 "How much from a region did you collect?", and "How did it  
4 get to the marketplace?"

5 --o0o--

6 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

7 O'SHAUGHNESSY: That's a look at the primary materials.

8 The other element that I'd like to present at  
9 this point are the potential for changes within the market  
10 arena. As we talked about, construction and demolition  
11 had a large portion of it going for beneficial reuse  
12 within the Marin County. However, at the conclusion of  
13 the survey, we learned from one of the primary respondents  
14 that they just implemented a brand new, in 2006, rock  
15 crushing process that they were now creating a brand new  
16 product that they were selling within the marketplace of a  
17 crushed aggregate, and primarily at the Marin resource  
18 facility.

19 So now you have a large portion of material that  
20 otherwise would have gone to disposal or beneficial reuse  
21 at the landfill is now being a marketable product, and  
22 then are creating a product that is to the CalTrans  
23 standard. So we'll meet all construction requirements.

24 Another element was the paper. Not knowing what  
25 the future has to bring and the potential for the

1 evolution and development of alternative energy and/or  
2 biofuel markets, the other element, which my staff just  
3 talked to me about this morning, is in cardboard.  
4 Cardboard, although not traditionally a high value  
5 material, just broke the \$100 per ton value. So we'll  
6 probably be seeing more pickup trucks getting cardboard  
7 and taking it off because it is economically feasible to  
8 transport that material and get it to market.

9           The other element is plastics. After the  
10 conclusion of our survey, you had the passage of AB 2449,  
11 which is looking at the plastic bags from grocery stores.  
12 And that does impact the overall collection programs that  
13 would be moving forward.

14                               --o0o--

15           STATE AGENCY ASSISTANCE SECTION SUPERVISOR

16 O'SHAUGHNESSY: Overall findings of our effort. The  
17 success was greatly dependent on the local government  
18 participation and support. And in this case Marin County  
19 was just that. They were very supportive and they  
20 promoted this program all the way through.

21           The use and understanding of the nomenclature of  
22 the industries out there and how they treat and discuss  
23 their materials is different than the standard waste  
24 management arena in which we're used to dealing with.

25           Food waste, organics, and C&D are very much



1 market driven within the region, and not necessarily  
2 beyond that, because of the cost of transportation.

3           Whereas paper and plastics are very much  
4 statewide if not internationally market driven based on  
5 the overall value of those materials and the ability to  
6 get them to a competitive market value.

7                               --o0o--

8           STATE AGENCY ASSISTANCE SECTION SUPERVISOR

9 O'SHAUGHNESSY: Continuing on with the overall findings.  
10 Complete quantification, understanding the total tonnage  
11 of material that's diverted through recycling, is not  
12 necessarily measuring the success of recycling. To  
13 understand the total diversion and to get at the  
14 additional materials to divert we really need to  
15 understand what the market is doing and how they could  
16 collect additional resources, not only from the standpoint  
17 of the value of those, but also to increase the overall  
18 marketability of those materials.

19           The intensive data collection gave us a snapshot  
20 in time. I presented to you many staff members that fully  
21 participated in this effort from the beginning to the end.  
22 And all it did was just give us a snapshot in time, being  
23 2005. Following that, we were able to learn that the  
24 industry had changed and that snapshot no longer shows a  
25 valid picture for just Marin County.

1           The final point being significant changes in C&D  
2 plastics market and within a one year period. I presented  
3 to you the rock crushing opportunity that just opened that  
4 significantly changes the marketability of a material for  
5 crushed aggregate. But then also the plastic markets is  
6 continuously changing as well as the values on the  
7 international market.

8                               --o0o--

9           STATE AGENCY ASSISTANCE SECTION SUPERVISOR

10 O'SHAUGHNESSY: Markets are regional and they need that  
11 approach. So within our new recommendations I'm coming  
12 towards I will be presenting a new approach to look at  
13 that. Infrastructure and cheap disposal are still a key  
14 barrier. They always have been and staff has always been  
15 aware of that. But it was proven here within the study  
16 area.

17           And we need to understand the limiting factors  
18 and availability of collection programs and processors.  
19 Although we did survey our elements and survey the  
20 businesses to get an understanding of all that, it was not  
21 complete and we missed in our survey the purchasing of new  
22 rock crushing equipment for the C&D, as an example. It  
23 wasn't really a miss by us. Who knows. Was it  
24 confidential? What were the elements that kept that away  
25 from staff? We don't know. But totally understanding

1 that total processing is really going to help with the  
2 implementation of a better program.

3 --o0o--

4 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

5 O'SHAUGHNESSY: Recommended refinements as we move forward  
6 with the MAAP project. Since markets are fluid, look at  
7 the general diversion activities within a specific region  
8 and not look at just within the jurisdiction. And used to  
9 identify the barriers of the markets and the potential for  
10 increase in the overall marketability of materials. Since  
11 markets go beyond the boundaries, focus on the markets  
12 that are regionally driven so that we can know where  
13 materials are going to and how they're being transported  
14 around, and not stay confined within a specific  
15 jurisdictional boundary, which the initial effort of the  
16 MAAP project did do.

17 Next involves stakeholders. The stakeholders are  
18 very valuable on all realms and elements. In the MAAP  
19 project we did involve the stakeholders, but in a more  
20 indirect way. We surveyed them and worked with them in  
21 the field versus doing a larger outreach working with the  
22 jurisdiction. But, again, Marin County because of the way  
23 they operate, they did fully help us implement our  
24 programs. But as we within the Marin county area, they  
25 were very cooperative. They were very supportive and all

1 the way around they wanted to see the outcomes of the MAAP  
2 project.

3 But as we move into other jurisdictions that  
4 don't have the control of their businesses that Marin had  
5 and the ability of collecting information, we might run  
6 into different barriers. And that's where working with  
7 the stakeholders is very valuable.

8 --o0o--

9 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

10 O'SHAUGHNESSY: What are the next steps for the MAAP  
11 project?

12 --o0o--

13 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

14 O'SHAUGHNESSY: Well, that's to do another and implement a  
15 second phase of the pilot project.

16 --o0o--

17 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

18 O'SHAUGHNESSY: And that's to go into Sacramento County,  
19 here locally, and identify the existing data related to  
20 the commodities, still focusing on the four that have been  
21 presented to us today; working with the recyclers and  
22 coordinating to identify the issues and opportunities for  
23 those materials; hold regional expert forums so we can  
24 understand what's going on. Maybe not so much formal here  
25 at the headquarters, but going to their facilities and

1 working with them on their grounds. Obtain general waste  
2 flow information from the stakeholders. Ask them, the  
3 waste haulers, which we did also in our case, but: What's  
4 going on with the collectors, the industries, and how are  
5 things flowing and how could they see enhancement of those  
6 activities?

7           The other one that we focus on here in Sacramento  
8 County is it's not just the county. It's the Sacramento  
9 County Region. And that would be a mistake here. So it's  
10 going to be all the jurisdictions here in Sacramento  
11 County, whether it's Folsom, Elk Grove, Sacramento City,  
12 Sacramento County, it will be the entire region and the  
13 flow of their materials to understand that overall  
14 element.

15                               --o0o--

16           STATE AGENCY ASSISTANCE SECTION SUPERVISOR

17 O'SHAUGHNESSY: Identify the barriers and opportunities  
18 for the markets within this greater region. Understand  
19 the compost facilities, the nearest ones -- that aren't  
20 that close -- what it is that it takes to get materials to  
21 them to break down those barriers; and then finally  
22 prepare a report and bring it forward to the Board to  
23 present the findings of the overall project and overall  
24 pilot program of the MAAP.

25                               --o0o--

1 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

2 O'SHAUGHNESSY: This concludes staff's presentation.

3 We're available for any questions that you may have.

4 Additionally, if there's specific questions on a  
5 specific commodity and a survey, many of the staff are  
6 here today to address those questions.

7 Thank you.

8 CHAIRPERSON BROWN: Thank you very much, Trevor.

9 Do we have any questions of staff?

10 BOARD MEMBER CHESBRO: I have an observation and  
11 a question.

12 It's interesting that -- I'm looking at the green  
13 waste pie chart, with 92 percent of the green waste going  
14 to ADC or boiler fuel and 8 percent going to mulch and  
15 compost. I don't know what -- it's hard to tell with the  
16 yellow how much of it's mulch -- which one's the mulch  
17 percentage and which is the compost percentage. But  
18 combined it's still only 8 percent. This could really  
19 argue that, when you were mentioning barriers -- market  
20 barriers, that, you know, the use of -- the credit for ADC  
21 is a barrier, even though I know it's officially  
22 sanctioned by state law and by state policy as diversion.

23 I mean it's amazing -- it's much harder in  
24 southern California because it's so complicated down  
25 there. But I think Marin's a really good test because you

1 have -- they're trying to get their whole county certified  
2 as organic. They have one of the most productive organic  
3 agriculture areas in the state. They have more than half  
4 the county that's open space, removed from urban and  
5 suburban settings. They should be doing a lot of  
6 composting. And yet 70 percent of their green waste is  
7 going to ADC. So I just think it's -- it illustrates it  
8 better than any of the examples in southern California  
9 because southern California has so many complications with  
10 siting and air quality and lots of other things. But  
11 Marin is a different story, you know. That's an  
12 observation.

13 I guess a question I have for you, since it's  
14 part of what I'm getting from you in terms of your  
15 findings is that it's -- especially if you took it  
16 statewide, it's huge and it's changing and it's  
17 complicated, is whether this pointed towards the idea of  
18 some sort of modeling, some way of modeling this stuff so  
19 that you could take into account changes and differences.  
20 Because it seems to me the challenges is getting your arms  
21 around a lot of data and a lot of very changeable data;  
22 that somehow, you know, it needs to be accounted for if  
23 any kind of useful tools were going to come out of this  
24 kind of a process.

25 STATE AGENCY ASSISTANCE SECTION SUPERVISOR

1 O'SHAUGHNESSY: The overall intent of MAAP is to do just  
2 that, is to develop a tool that can be used statewide,  
3 whether it's a series of questions that go into a region  
4 or an overall measurement. And that's one reason why when  
5 you're looking at the new approach, that we're looking at,  
6 rather than trying to measure every pound, every ton of  
7 material and what its actual flow is, is to take one  
8 little step back and work within the region to find out  
9 the opportunities and ability to increase the marketing  
10 and the diversion of additional materials.

11 The materials that were selected make up  
12 approximately 50 percent of California's disposed waste  
13 stream when you're looking at it statewide. And that's  
14 why we looked at the C&D, the papers, the plastics, the  
15 organics. So if we better understand how to get that  
16 market going and further divert materials, then the intent  
17 is just that, to make that model, to then move on within  
18 the development statewide using the Office of Local  
19 Assistance and the staff to effectively impact the local  
20 market.

21 BOARD MEMBER CHESBRO: Thanks.

22 CHAIRPERSON BROWN: Thank you.

23 Any other questions?

24 We do have one speaker, only to answer questions  
25 though, no specific presentation. That would be Evan



1 Garbarino.

2 MR. EDGAR: Evan Edgar for Joe Garbarino. I  
3 brought a picture of him today from the award you guys you  
4 presented Joe when he proclaimed zero waste last fall. So  
5 I'm here to answer any questions.

6 But on behalf of Joe, we worked on composting in  
7 the west Marin County back in the late nineties. And we  
8 got shut down every time to try to promote combining with  
9 manure on west Marin to have some type of organic compost,  
10 and it didn't work. So for the last five years I've been  
11 trying to help out Joe.

12 BOARD MEMBER CHESBRO: Shut down by whom?

13 BOARD MEMBER DANZINGER: Yeah, I was going to ask  
14 why --

15 BOARD MEMBER CHESBRO: Shut down by whom?

16 MR. EDGAR: Roads. Just roads and NIMBYism.  
17 There's a lot of NIMBYism out in west Marin County and  
18 among --

19 BOARD MEMBER DANZINGER: NIMBYism on composting?

20 MR. EDGAR: Oh, big time.

21 And so --

22 BOARD MEMBER CHESBRO: Even in the ag preserve in  
23 west county, huh?

24 MR. EDGAR: Especially there. I've been in ag  
25 preserve a couple times where you go over 12,500 cubic

1 yards and it's a full permit. And so I've been able --  
2 I've been successful in Ventura County and Monterey County  
3 doing 12,500 ag composting where it's an EA notification  
4 tier, about 40, 50 ton a day. That kind of distributed  
5 compost in an ag sector has been very successful. But  
6 anything of scale, above twelve five cubic yards, just  
7 doesn't get sited in a lot of locations due to roads and  
8 ag --

9 BOARD MEMBER CHESBRO: So you're saying it's not  
10 just ADC use that is discouraging composting in Marin?

11 MR. EDGAR: And that pie chart's kind of  
12 indicative of the Matt Kott/Waste Board funded '03 study  
13 that had a hundred million cubic yards out in the  
14 marketplace: 47 percent was ADC statewide, 10 percent  
15 went to CalTrans, 22 percent went to biofuels. So this is  
16 more of a -- more impacts compared to the statewide  
17 averages. But we hope to get CalTrans to move beyond 10  
18 percent, which is about a hundred thousand tons a year,  
19 with the bill this year to continue on your work last year  
20 with Board Member Senator Wiggins in order to promote  
21 compost use to move beyond 10 percent.

22 BOARD MEMBER DANZINGER: But, Evan, it's a  
23 thousand bucks a ton, man.

24 MR. EDGAR: They lowered it down with the new  
25 leadership at CalTrans.

1 BOARD MEMBER DANZINGER: Oh, what's it at now?

2 MR. EDGAR: It's down to less than a hundred  
3 dollars a ton is --

4 BOARD MEMBER DANZINGER: Well, Texas is still at  
5 60, right?

6 MR. EDGAR: Yeah. And they committed to buy in  
7 bulk and not in bag at WalMart. That was a big purchasing  
8 option, they're moving bulk.

9 BOARD MEMBER DANZINGER: Designer packs.

10 CHAIRPERSON BROWN: I was going to say, is it  
11 designer mulch for CalTrans?

12 BOARD MEMBER DANZINGER: Boutique designer mulch.

13 CHAIRPERSON BROWN: Boutique mulch.

14 MR. EDGAR: So Joe is looking at --

15 CHAIRPERSON BROWN: Why don't we deliver gift  
16 bags of mulch?

17 MR. EDGAR: Joe is working with looking --  
18 exporting green waste and food waste combined out of Marin  
19 County. We've done a couple studies by going up to Sonoma  
20 County to export up there over to Richmond. So hopefully  
21 in '07-'08 we'll be moving co-collect organics out of  
22 Marin County into northern California at compost  
23 facilities.

24 Thank you.

25 CHAIRPERSON BROWN: Thank you.

1           BOARD MEMBER CHESBRO: Well, nothing I said  
2 should be meant as anything other than total praise for  
3 the Garbarinos and everything they've done. Just the  
4 percentages struck me as surprising given that particular  
5 county.

6           CHAIRPERSON BROWN: Yeah, I agree.

7           BOARD MEMBER DANZINGER: No, I mean I would echo  
8 that -- I mean it shows the importance of doing these  
9 studies too, because I didn't know this. I'm surprised by  
10 it. And again the point that I've made before, I continue  
11 to be perplexed and frustrated by all those groups out  
12 there that want California to be sustainable but they  
13 don't want to be part of the chorus that can educate  
14 people on how beneficial some of these facilities are.

15           One point you made, Trevor, on your last one on  
16 the recommended refinements, the third bullet -- I really  
17 appreciate involving stakeholders in a more interactive  
18 process. I think that's very important. And, you know,  
19 we need them to be able to get this information. And I  
20 know we would hate to not get everything that we want  
21 because, you know, we don't do it right or we do it in a  
22 way that shuts -- you know, where they shut down on us  
23 because they have, you know, different ideas of why we're  
24 coming after the info or just how we craft that and how we  
25 do that. I know that we might not have gotten all those

1 lessons firsthand in Marin because they were so  
2 cooperative. But I think we have enough awareness and  
3 experience on the staff to know here are the other  
4 pitfalls we've experienced before when we tried to get  
5 information, try to get people to open up and they read it  
6 the wrong way.

7 So thanks for acknowledging that.

8 CHAIRPERSON BROWN: Thank you.

9 Rosalie.

10 BOARD MEMBER MULÉ: Thank you, Madam Chair. I  
11 just want to thank staff. I was here nearly two years ago  
12 when we approved this concept. And I know that there was  
13 a lot of question with staff as to how do we even begin to  
14 go about this. And I think that your product shows the  
15 hard work that you put into it. I know there were some  
16 struggles along the way. I know you had to change course  
17 with some of the things that you did. But you really came  
18 up with a number of great outcomes. And, you know, one  
19 is, you know, you've got to talk their talk. And that  
20 was, I think -- you know, that was a great lesson learned.

21 And the second one is that materials don't stay  
22 within the county, they move outside the county. And so,  
23 again, when we're looking at all of this, we have to  
24 recognize that fact.

25 The other thing is that, you know, paper markets

1 and plastic markets are international, whereas C&D and  
2 green waste markets are more local. So, again, that's a  
3 huge finding, you know, for you all in the study, and it's  
4 going to help you when you move forward.

5 And, again, I'm really pleased to see all the  
6 work that you put into all of this. And I will once again  
7 offer my help and assistance where I can. As you know,  
8 back in December we brought in a materials marketing  
9 expert, Jim Fagelson, and his partner. And I think that  
10 that lecture, if you will, was very helpful to everyone.

11 And so, again, I just want to offer my help and  
12 assistance as you move forward with this project.

13 Thank you.

14 CHAIRPERSON BROWN: Thank you.

15 Excellent job. We'll look forward to the  
16 Sacramento County portion with particular interest.

17 Okay. At this time we have concluded our agenda  
18 of regular business.

19 The Board will adjourn into closed session. And  
20 immediately following the conduct of business in closed  
21 session we will adjourn this Board meeting from there.

22 Thank you.

23 (Thereupon the California Integrated Waste  
24 Management Board meeting adjourned at  
25 2:25 p.m.)

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing California Public Employees' Retirement System,  
7 Board of Administration, Health Benefits Committee open  
8 session meeting was reported in shorthand by me, James F.  
9 Peters, a Certified Shorthand Reporter of the State of  
10 California, and thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or  
12 attorney for any of the parties to said meeting nor in any  
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 this 7th day of March, 2007.

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